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KENTUCKY
COURT OF JUSTICE
1984-1985
ANNUAL REPORT

This report is a publication of the Administrative Office of the Courts, Commonwealth of Kentucky, and paid for with state funds. It was written by Court of Justice personnel, compiled and edited by Pam Vest, Supervisor of Public Information, and Charles Wehrley, Jr., Public Information Officer.

On the cover: Built in 1799 and located in Greensburg, Kentucky, this courthouse is the oldest one standing west of the Allegheny Mountains. Constructed of randum width Kentucky limestone, the walls are 22 inches thick. The building was used as a courthouse until 1932, then served as a library until 1966 when it was turned over to the Historical Society for restoration and preservation. While this stalwart structure symbolizes the state's traditional values and historic significance, a 1976 amendment to the state constitution adopted a modern four-tiered unified court system, establishing Kentucky's place as a leader in progressive judicial reform.

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This is a report of the business of the Kentucky Court of Justice, for Fiscal Year 1984-85.

In addition to a report of the general business of the courts and relative statistical information, special emphasis has been placed on those programs and projects which have been improved, expanded or otherwise enhanced. Included are sections dealing with regional administration, video court reporting, revision of the Kentucky Rules of Court, judicial education and public information, expansion of the courts' data processing capabilities, the circuit court caseload weighting project, and economical litigation projects.

The delivery of justice is dependent not only upon the judges and juries who serve the public so impartially, but also upon the circuit clerks and other court-support personnel who perform their duties with diligence and dedication.

Without their contributions, this report would not have been possible.

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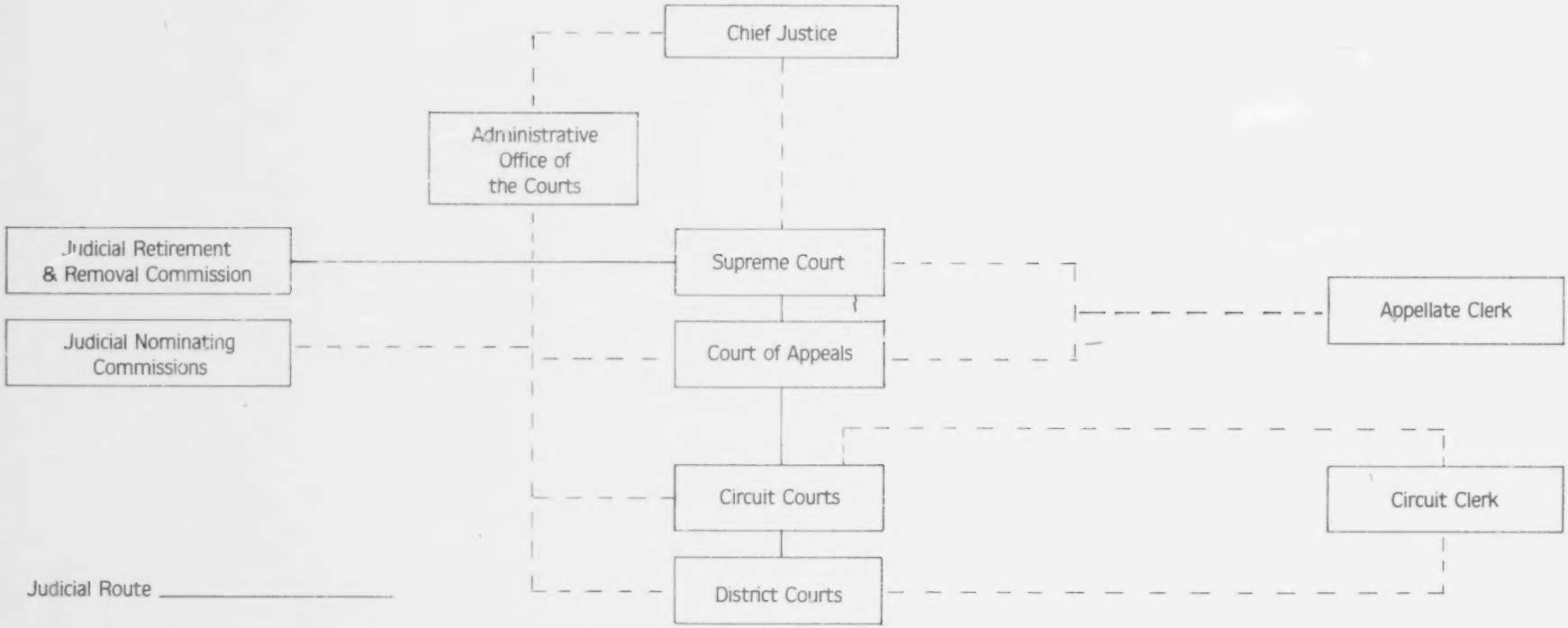
KENTUCKY COURT OF JUSTICE



IN MEMORIAM

Circuit Court Clerk Edward J. Blau

Campbell County Circuit Clerk Edward J. Blau died of congestive heart failure on March 31, 1985. He was 72 years old.

Blau had been circuit clerk for 10 years in Campbell County and had been a master commissioner for nearly 20 years before his election as clerk in 1975.

A Newport native, Blau was the 1983-84 president of the Kentucky Circuit Court Clerks' Association, past president of the Campbell County Jaycees and a former chairman of the Campbell County Democratic Executive Committee.

Blau is survived by his wife, Mary Ann, and their eight children.

District Judge Harold Kelly Clore

Bell County District Judge Kelly Clore died on August 31, 1984, following an illness. He was 68 years old.

Judge Clore had served the 44th Judicial District since 1978. Prior to his judgeship, he had maintained a private law practice and served as a U.S. magistrate.

Upon graduation from the University of Kentucky School of Law, he became an attorney for the Kentucky Unemployment Compensation Commission, and later joined the Adjudication Division of the Veterans' Administration. A native of Boone County, the judge earned his undergraduate degree from Eastern Kentucky University.

As a Pineville resident, Judge Clore was active in sports and was coach of the Pineville "Fuzz" city police softball team. He was often asked to speak and serve as emcee at local civic events and functions. He was also a member of Pineville's First Presbyterian Church, the 4-H Council, Optimists and Kiwanis Clubs, and the Middlesboro Little Theater.

Judge Clore is survived by his wife and two sons.

Honorable Walter L. Catinna

Walter L. Catinna, former Commissioner of the Kentucky Court of Appeals and counsel for the Kentucky Supreme Court, died of a sudden illness on August 8, 1984. He was 70 years old.

A native of Columbia, Tennesse, Mr. Catinna also had served as Ohio county attorney. He was a member of the Ohio County Chamber of Commerce and Optimist Club, the Kentucky and American Bar Associations, the American Judicature Society and the First Methodist Church of Frankfort.

Mr. Catinna is survived by his wife, one son and two daughters.

KENTUCKY'S JUDICIAL SYSTEM

1792-1984
A Historical Perspective

Jefferson County Hall of Justice is located in Louisville. Housing 30 courtrooms, the building was opened for judicial business in the fall of 1976.

At the general election in November 1975, the electorate of Kentucky gave its consent to a new direction for the court system of the Commonwealth by adopting a constitutional amendment, to revise the judicial article. Under the constitutional amendment, the previously fragmented system with its large number of part-time, non-lawyer judges and overlapping jurisdictions was replaced by a unified Court of Justice.

Kentucky's first Constitution was adopted at Danville in April 1792, when Congress granted statehood. The judicial article of the 1792 Constitution was patterned after that of Virginia, in order to provide an orderly transition and transfer of cases pending in Virginia courts. The judicial power of the Commonwealth was vested in one supreme court, known as the Court of Appeals, and such inferior courts as deemed necessary by the legislature. A "competent number" of justices of the peace were mandated to be appointed in each county. All judges were appointed by the Governor and could be removed for reasonable cause by the process of impeachment or by address of the Governor to two-thirds of each House of the General Assembly.

The Court of Appeals consisted of three judges appointed state-at-large to serve "during good behavior." Two judges constituted a court and the court met twice a year at Lexington. The Court of Appeals had original and final jurisdiction in all cases relating to titles of land under the laws governing Virginia at that time, and those cases were tried by jury unless waived by both parties. No appeals from inferior courts were granted unless addressed by petition and issuance of certiorari.

Each judge of the Court of Appeals was instructed by the Constitution to deliver his opinion in open court and in writing; the parties were obliged to state their complaint and defense in writing; and dissenting opinions were required to be in writing. All these provisions were designed to "perpetuate the testimony." The court also had the power to direct the mode of bringing these land cases to a hearing. "So as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow."

In all other cases, the Court of Appeals had appellate jurisdiction only, with the legislature granted broad powers to make exceptions and regulations. The court had legislative authority to appoint its clerk.

Pursuant to constitutional provisions empowering the legislature to establish inferior courts, an act was passed during the first session of the General Assembly which provided for appiontment of 125 justices of the peace to serve as judicial officers. In the 13 existing counties a Court of Quarter-Sessions was established in each county, and three of the justices of the peace in each county served on the court. Its jurisdiction was primarily civil, but it had the power to award necessary writs and injunctions. County court was created and presided over by three justices, and its jurisdiction was largely administrative in nature. All criminal jurisdiction was vested in a Court of Oyer and Terminer, which was presided over by three judges who had state-wide jurisdiction.

An act of 1795 reorganized the first trial court structure by terminating the original jurisdiction of the Court of Appeals in land cases and abolishing the Court of Oyer and Terminer. It was replaced by a system of District Courts of general civil and criminal jurisdiction, with all criminal cases heard by the Franklin District Court. In order to unify the District Courts to some extent, a General Court was established and instructed to meet periodically at Frankfort to decide cases "for and in behalf of the Commonwealth."

A convention was called in 1799 and a new Constitution was adopted in August of that year. The new document retained most of the provisions of the previous judicial article, but gave constitutional status to the county courts which had been created by the legislature.

In addition, the Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, under restrictions and regulations prescribed by law. Judges of the Court of Appeals were appointed by the Governor, and could be removed for good cause by impeachment or by the Governor on address of two-thirds of each House of the General Assembly. Judges and justices of the peace, by virtue of their office, were "conservators of the peace throughout the state."

County courts were composed of the justices of the peace presiding in each county. County court was given constitutional authority to recommend, with the concurrence of a majority of its justices of the peace, two persons to fill the offices of sheriff, surveyor, coroner or justice of the peace, one of whom was appointed by the Governor. Each court could appoint its own clerk; however, no person could be appointed who could not produce to the judges of the Court of Appeals, that he had been examined by their clerk and found qualified. Clerks of court could be removed for breach of good behavior by the members of the Court of Appeals only who "shall be judges of the fact as well as of the law" and two-thirds of whom shall have concurred in the sentence.

Until 1802, no changes were made in the general trial court structure that had been authorized by the legislature during the tenure of the first constitution. However, realizing that the District Court system could no longer effectively handle the increasing caseload, the General Assembly reorganized the trial courts into a system of Circuit Courts. The District Courts were abolished and the old General Court was abolished and re-enacted. Nine state-at-large circuit judges were appointed to serve in each of the nine judicial districts. General Court assigned each of its members to a district to serve as presiding judge and two assistant judges were appointed from that district.

In 1824, the legislature attempted to abolish the Court of Appeals. A controversy characterized as the "Old

The Scott County Victorian style courthouse was built in 1877.

Court-New Court Struggle" arose, and the General Assembly enacted legislation to abolish the Court of Appeals and establish an appellate court of its own. "An Act to reorganize the Court of Appeals" was passed and signed by the Governor, who appointed judges sympathetic to his beliefs. The "old court" refused to recognize the "new court," and for a period of two years both courts held sessions. In 1826, a new legislature was elected which repealed the "Act to reorganize the Court of Appeals" and passed "An Act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," thus reinstating the constitutional court.

The third Constitution of Kentucky was adopted in June 1850. A total reorganization of the judicial department was undertaken, and courts which had previously been created by acts of the legislature were given constitutional authority. This document preserved the separation of powers of the three departments of government and provided Kentucky with its first structured court system. The judicial power of the Commonwealth was vested in the Court of Appeals, circuit courts, county courts, and such other inferior courts as the General Assembly should establish and erect.

The Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, restricted and regulated by law. The court consisted of four judges, and three of whom could constitute a court for the transaction of business. The 1850 Constitution mandated, for the first time in the history of the Commonwealth, election of judges rather than appointment. Judges were elected for a term of eight years from four equally divided judicial districts. Because all of the judges were initially elected at the same time, and in order to stagger their terms, one term was two years, one four years, one six years and one eight years. The judges elected then drew lots to determine which judge served which term. The judge having the shortest time to serve was designated as the Chief Justice of Kentucky.

The Court of Appeals was to hold its sessions at the seat of government, except that the General Assembly could direct that the court hold its sessions in any one or more of the judicial districts.

The office of the Clerk of the Court of Appeals was established as an elective office, for a term of eight years. The 1850 Constitution further provided that if the General Assembly should determine that court should be held in any one of the judicial districts, that the voters of that district would elect a clerk possessing the same qualifications as the Clerk of the Court of Appeals. Any candidate for the office had to produce a certificate from a judge of the Court of Appeals or a judge of the Circuit Court that he had been examined by the court and was qualified for the office.

The General Assembly could also provide for a special judge to constitute a court in the event of disqualification of any of the elected judges.

Circuit courts were established to be held in each county, with the state initially divided into 12 judicial districts which could be increased to not more than 16 at the discretion of the General Assembly. Jurisdiction of the circuit courts was set by the legislature, who also had the power to change, alter or modify the right of appeal to the Court of Appeals. The General Court was abolished, producing a system of circuit courts which had no centralized coordinating feature, and resulting in trial courts which were virtually autonomous in nature. However, the legislature specified that cases involving the Commonwealth would continue to be heard in Franklin Circuit Court.

In 1882, under its authority to create inferior courts, the General Assembly created an intermediate appellate court, known as the Superior Court, to reduce an accumulated backlog of 1300 cases. The Superior Court consisted of three judges who had jurisdiction in all appeals except those involving: (1) the validity of statutes; (2) title to a freehold or right to a franchise; (3) felonies; and (4) judgments where the amount in controversy was more than $3,000. The two appellate courts became known as the "Rich Man's Court" and the "Poor Man's Court," and set off a bitter debate that lasted through the Constitutional convention of 1890. Although opponents to the Superior Court won their battle and eventually succeeded in abolishing the intermediate court, its purpose was accomplished. The backlog of cases on appeal was successfully reduced.

The Constitutional Convention of 1890 created the judicial system with which most Kentuckians are familiar. The structure was highly restrictive, as a result of the furious debates over the power of the General Assembly to create courts in addition to those empowered by the Constitution.

The judicial article provided for a Court of Appeals consisting of seven judges to be elected for a term of eight years, one from each of seven appellate districts. Ironically, opponents to an intermediate appellate court argued that it was not necessary to have three additional judges at that level to decide appeals, yet the number of Court of Appeals judges was increased from four to seven. The court had jurisdiction to review final orders and judgments of all courts except those: (1) granting a divorce or punishing a contempt; (2) of a Quarterly, Police, Fiscal or Justice's Court; (3) of a County Court unless the action was for division of land and allotment of dower; and (4) involving bonds having the force of judgments. Although a monetary limitation of $100 precluded appeals following the adoption of the 1891 Constitution, this limit was raised over the years. By 1975, when the new judicial article was ratified, the minimum monetary limit on appealable cases was $200, but only upon petition. Appeals as a matter of right were allowed where the amount in controversy was $2,500 or more.

The Constitution established circuit court in each county, with the state divided into circuit court districts. The number of districts increased during the succeeding years from 30 to 56, and the terms of judges were regulated by statute. The circuit courts had original jurisdiction of all cases not vested exclusively in some other court, and appellate jurisdiction to try de novo appeals from the inferior courts.

In each county a group of lower courts was created consisting of from three to eight Justice of the Peace Courts, a County Court, a Fiscal Court, a Quarterly Court, and city Police Courts, all given overlapping or concurrent jurisdiction, both civil and criminal, by the General Assembly.

The framers of the 1891 Constitution created a judicial system which had no flexibility and which contained a prohibition against the creation of any court not established by the Constitution.

Although Kentucky's judicial system has undergone four modifications through the Constitutional Convention process which revised the entire document, the most dramatic change in state and local government ever experienced in the Commonwealth has resulted from one constitutional amendment—the judicial amendment of 1975.

The Judicial Article now contained in the Kentucky Constitution provides for a unified court system fully funded by the state. Although judges and clerks remain locally elected, they are state officials and the courts are unified for purposes of administration under one Court of Justice. The Judicial Article not only provides for four levels of courts, the Supreme Court, the Court of Appeals, the Circuit Courts, and the District Courts, but includes provisions for Judicial Nominating Commissions to fill vacancies, and for a Judicial Retirement and Removal Commission to insure the proper conduct of the judiciary.

This historical review of Kentucky's court system was initially presented in the first Annual Report of the new judicial system in 1976. Its repetition here is in response to the many inquiries received by the Administrative Office of the Courts. It does not describe the atmosphere which brought about the change, but should serve as an example of progressive modification of government. As we move closer to the end of this century, Kentuckians can point with pride to their unified Court of Justice and know that Kentucky has led the way for other states to follow in judicial improvement.

THE KENTUCKY COURT OF JUSTICE

The Judicial Article of the Kentucky Constitution provides for one unified Court of Justice, consisting of four courts: The Supreme Court, the Commonwealth's court of last resort; the Court of Appeals, an intermediate appellate court; the Circuit Courts, courts of general trial jurisdiction; and the District Courts, courts of limited jurisdiction.

The Court of Justice is unified for purposes of administration, with the Chief Justice having executive and administrative authority over the entire system. The Administrative Office of the Courts, created by statute, serves as staff to provide assistance in the performance of the administrative functions of the Supreme Court.

The Supreme Court

(Front row): Justice J. Calvin Aker; Chief Justice Robert F. Stephens; and Justice James B. Stephenson. (Back row): Justice William M. Gant; Justice Roy N. Vance; Justice Donald C. Wintersheimer; and Justice Charles M. Leibson.

THE SUPREME COURT

Organization

The Supreme Court consists of seven justices, one elected from each of the seven appellate districts. A majority constitutes a quorum for the transaction of business. A Chief Justice, elected for a term of four years by his fellow members, presides over the Court and has administrative authority over the entire Court of Justice. The term of office of a Justice of the Supreme Court is eight years, staggered among the seven districts according to statute. Compensation of the justices is determined by the General Assembly.

Jurisdiction

The Supreme Court has appellate jurisdiction only, except it has the power to issue all writs necessary in aid of its appellate jurisdiction. Appeals from a judgment of the circuit court imposing a sentence of death or life imprisonment or imprisonment for 20 years or more are taken directly to the Supreme Court, but other cases of great and immediate importance may be transferred from the Court of Appeals if a motion for transfer is granted. Decisions of the Court of Appeals may be appealed to the Supreme Court if granted a discretionary review as prescribed by rule of court. The Supreme Court has the authority to prescribe rules for the appointment of commissioners and other court personnel and rules of practice and procedure for the Court of Justice. Additionally, the Supreme Court controls admission to the bar and discipline of members of the bar.

Robert F. Stephens
Chief Justice
Fifth Supreme Court District

Chief Justice Stephens is a native of Covington, Kentucky, born in 1927. After serving in the United States Navy during World War II, he graduated from Indiana University, and received his law degree from the University of Kentucky College of Law in 1951. He served as a law clerk for the former Kentucky Court of Appeals for one year. In 1952, he was an attorney for the Kentucky Department of Insurance for one year before entering the private practice of law in Lexington. He was Assistant Fayette County Attorney for five years.

Justice Stephens was elected Fayette County Judge in 1969 and re-elected in 1973. During those terms of office, he was instrumental in the organization of the Kentucky Association of County Officials, holding office at both state and national levels. In 1975, he was elected Attorney General for the Commonwealth of Kentucky, an office he held until his appointment to the Supreme Court in 1979. Voters in the Fifth Supreme Court District elected him in 1980 to complete the term through December 1984. He was re-elected to a full eight-year term in November 1984. In 1982, he was elected Chief Justice by his Supreme Court associates. The American Judicature Society awarded him its Herbert Harley Award in recognition of his effective administration of justice.

Roy N. Vance
Justice
First Supreme Court District

Born in Paducah, Kentucky in 1921, Justice Vance received an associate degree from Paducah Junior College and his LL. B. from the University of Kentucky College of Law where he was a member of the Order of the Coif. He began practicing law in 1942, served one term as McCracken County Attorney and was Commonwealth's Attorney from 1953-1957. He was a trial commissioner for the McCracken County Court for ten years from 1960-1970.

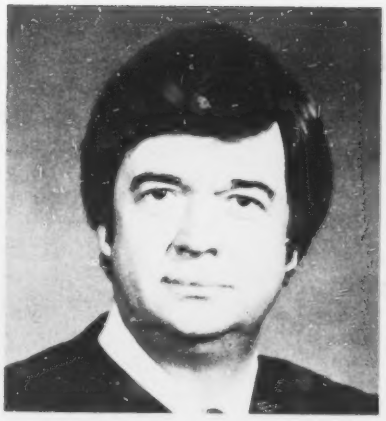
Prior to his 1976 election to the Court of Appeals, Justice Vance served six years as a commissioner for the former Kentucky Court of Appeals. In 1982, he was elected to the Supreme Court, taking office on January 3, 1983.

William M. Gant
Justice
Second Supreme Court District

Justice Gant was born in 1919 in Owensboro, Kentucky. He received an A. B. degree from Transylvania University in 1940 and his LL. B. in 1947 from the University of Kentucky. He served as a juvenile judge for eight years and Commonwealth's Attorney for 14 and one-half years for the 6th Judicial Circuit.

For several years, Justice Gant was a member of the Kentucky Crime Commission, during which time he was a member of the committee which drafted the judicial amendment which restructured the state court system. He served as judge of the Court of Appeals for six years until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Gant has been the recipient of the Kentucky Alumni Association's Distinguished Service Award; Kentucky Council on Crime and Delinquency Distinguished Service Award; and the R. Haynes Barr Award by the Kentucky Medical Association to the outstanding layman in the field of public health.



J. Calvin Aker
Justice
Third Supreme Court District

Justice Aker, born in 1939, is from Somerset, Kentucky. He attended Eastern Kentucky University where he received a B. S. degree in chemistry and a M. S. in political science. He received his J. D. from the University of Tennessee College of Law in 1969. He taught chemistry, physics and general science at Nicholas County High School before entering the private practice of law, in which he was engaged from 1970 until 1977.

Justice Aker was elected district judge in 1978, and served as such one year prior to his election to the Supreme Court in 1979.

Charles M. Leibson
Justice
Fourth Supreme Court District

Born in 1929, Justice Leibson graduated cum laude from the University of Louisville School of Law in 1952. He practiced privately for 21 years after serving in the U.S. Army as a legal officer for two years. He served as Jefferson Circuit Judge from 1976 until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Leibson is a member of the University of Louisville School of Law faculty, the International Academy of Trial Lawyers, and the Inner Circle of Advocates. He also served as a faculty member with the Harvard Law School National College of Advocacy, and the National Judicial College, Reno, Nevada. He received the 1980 Judge of the Year Award from the Louisville Bar Association and was chosen the nation's Outstanding State Trial Judge in 1980 by the Association of Trial Lawyers of America.

Donald C. Wintersheimer
Justice
Sixth Supreme Court District

Justice Wintersheimer was born in Covington, Kentucky in 1932. He received his A. B. from Thomas More College in 1953, his M. A. from Xavier University in 1957, and his J. D. from the University of Cincinnati in 1960. He was admitted to the bar in Kentucky and Ohio, and practiced law until he was elected to the Court of Appeals in 1976. He served on the Court of Appeals until his election to the Supreme Court in 1982 for an eight year term beginning January 3, 1983.

Justice Wintersheimer is a former president of the Thomas More Alumni Association and the Kentucky Municipal Attorneys' Association. He received the Community Service Award from Thomas More College in 1970 and was named Outstanding Teacher in 1973. He is a member of the adjunct faculty at Chase College of Law, and chairman of the Mandatory Continuing Judicial Education Commission.

James B. Stephenson
Justice
Seventh Supreme Court District

Justice Stephenson was born in Greenup, Kentucky in 1916. He received his A. B. in 1938 and his LL. B. degree in 1941 from the University of Kentucky. The justice was a Captain in the United States Air Force during World War II, and during his four years service received seven Battle Stars and was the recipient of a Presidential Unit Citation. Justice Stephenson was engaged in the private practice of law in Pikeville for 17 years until he was elected Circuit Judge of the 35th Judicial Circuit in 1957. He served in that capacity until he was elected to the former Court of Appeals in 1972. Justice Stephenson was re-elected in 1980 to an eight-year term on the Supreme Court.

THE COURT OF APPEALS

Organization

The Court of Appeals consists of 14 judges, two elected from each of the seven appellate districts for a term of eight years. A Chief Judge is elected from among members of the court for a term of four years. The Court of Appeals may divide itself into panels of not less than three judges, a majority of each panel concurring in the decision of a case. The Chief Judge has authority to assign judges to panels and to determine locations within the Commonwealth where each panel shall sit. Panels are chosen on a rotational basis, so that each judge sits with every other judge at least once a year. Cases are assigned to panels by the Chief Judge.

Jurisdiction

The Court of Appeals has appellate jurisdiction only, except that it may be authorized by rule to review directly decisions of administrative agencies of the Commonwealth, and to issue all writs necessary in aid of its appellate jurisdiction. One appeal, as a matter of right, may be taken from a judgment of the circuit court, the court of general trial jurisdiction, to the Court of Appeals. Decisions of the circuit court, when sitting on an appeal from district court, may be appealed to the Court of Appeals if granted a discretionary review as prescribed by rule of court.

Chief Judge John P. Hayes
Court of Appeals of Kentucky

THE CIRCUIT COURT

Organization

The circuit court consists of 91 judges serving in 56 judicial circuits which are determined by law and circuit court is held in each county. Circuit judges are elected for a term of eight years from judicial circuits categorized as follows: one-judge one-county circuits, multi-county one-judge circuits; and multi-judge one-county circuits. In any judicial circuit having only one judge, he is the chief judge. In judicial circuits having more than one judge, a chief judge is elected biennially from among their number. Compensation of circuit judges is set by the legislature.

Jurisdiction

The circuit court is a court of general trial jurisdiction and has original jurisdiction of all justiciable causes not vested in some other court. Jurisdiction in civil cases is limited to those involving an amount in controversy not less than $2500. Its appellate jurisdiction is provided by law, and all appeals are on the record. Review of administrative actions of state agencies constitute an original action and not an appeal.

Judge Thomas B. Spain
President
Kentucky Circuit Judges' Association

Judge Peter C. Macdonald
President
Kentucky District Judges' Association

THE DISTRICT COURT

Organization

The district court consists of 123 judges elected for a term of four years from 57 judicial districts. In any judicial district having only one judge, he is the chief judge. In judicial districts having more than one judge, a chief judge is elected biennially from among their number. In any county in a district in which a district judge does not reside, the Constitution mandates that the district judge shall appoint a resident trial commissioner. District court is held in each county. Compensation of district judges is determined by law.

Jurisdiction

District court is a court of limited jurisdiction. Its civil jurisdiction is limited to cases where the amount in controversy does not exceed $2500, and cases relating to probate and mental health. The Small Claims Division of district court has jurisdiction of cases involving not more than $1,000. It has criminal jurisdiction of misdemeanors, felony preliminary hearings, city and urban-county ordinance cases, traffic matters and certain juvenile cases. The district court may be granted statutory authority to review decisions of administrative boards. The district court is a court of record.

CLERKS OF COURT

The efficiency of the Court of Justice is dependent in large part upon the Clerks of Court. Under the provisions of the Constitution there is a Clerk of the Supreme Court, a Clerk of the Court of Appeals, and a Circuit Court Clerk who serves both the circuit and district courts within each respective circuit.

A necessary adjunct to the appellate and trial courts, the clerks have the responsibility to maintain custody, control and safe storage of court records, to maintain accountability for financial transactions, and to assist the court in the orderly and systematic disposition of court matters.

Clerk of the Supreme Court and the Court of Appeals

From 1850 until December 11, 1979, the Clerk of the Supreme Court (formerly the Court of Appeals) was a statewide elected official. Although Section 114(1) of the Judicial Article of the present Kentucky Constitution provides that "the Supreme Court shall appoint a clerk to serve as it shall determine," the transitional schedule attached to the constitutional amendment adopted in 1975 retained the elected clerk until the expiration of the existing term of office. On that occasion, the Supreme Court appointed its Clerk in accordance with the constitutional provisions. The Clerk of the Court of Appeals, whose appointment is provided for in Section 114(2), was chosen to serve as Clerk of both appellate courts.

The duties and responsibilities of the clerks of the appellate courts are defined by rule of court rather than by statute. Both offices are funded by appropriations to the Court of Justice.

John C. Scott
Clerk
Supreme Court of Kentucky
Court of Appeals of Kentucky

Edith Cox
President
Kentucky Circuit Clerks' Association

Circuit Court Clerks

Section 114(3) of the Constitution states that the clerks of the circuit courts shall be elected, and that they shall serve as clerks of the district court. There is one circuit clerk elected in each of Kentucky's 120 counties, for a term of six years, and the number of deputies assigned to each clerk and their respective salaries is regulated by the Administrative Office of the Courts, in conformance with criteria upon which appropriations are made by the General Assembly.

The general duties and responsibilities of the Circuit Clerks are contained in Chapter 30A of the Kentucky Revised Statutes. Specific duties are outlined in the Kentucky Circuit Clerk's Manual, which under Civil Rule 1 and Criminal Rule 1.02 of the Kentucky Supreme Court, has the force and effect of a rule of court.

THE JUDICIAL RETIREMENT AND REMOVAL COMMISSION

Introduction

The Judicial Retirement and Removal Commission operates under Section 121 of the Kentucky Constitution and Supreme Court Rules 4.000 through 4.310. It has jurisdiction over judges of the Supreme Court, Court of Appeals, Circuit Court and District Court, and over complaints against non-judge candidates for judicial office. The composition of the commission is established by Section 121 of the Constitution.

Members of the Commission during FY 1984-85 were:

Mr. Charles Landrum, Jr.
Chairman
Lexington, Kentucky

Judge Paul Gudgel
Court of Appeals
Lexington, Kentucky

Judge N. Mitchell Meade
Circuit Court
Lexington, Kentucky

Judge Charles D. Scott
District Court
Louisville, Kentucky

Ms. Frances Hamilton
West Paducah, Kentucky

Mr. Dennis Dorton
Paintsville, Kentucky

The Commission, in accordance with the rules, has alternate members who serve during such time as a member disqualifies or is otherwise unable to serve or a vacancy exists. The alternate members during the reporting period were as follows:

Mr. Richard Nelson
Covington, Kentucky

Judge John White
Court of Appeals
Lexington, Kentucky

Judge Laurence Higgins
Circuit Court
Louisville, Kentucky

Judge John Adams
District Court
Lexington, Kentucky

Jurisdiction and Authority

The Rules of the Supreme Court adopted October 1, 1976 relating to the jurisdiction and authority of the Retirement and Removal Commission remained unchanged until they were amended effective March 8, 1983.

The amendments give jurisdiction of complaints against non-judge candidates for judicial office to the commission. Until the adoption of the order by the Supreme Court, any disciplinary actions against lawyers seeking judicial office were handled by the Kentucky Bar Association.

The commission has the authority to impose the sanctions, separately or collectively of (1) suspension or disbarment from the practice of law; (2) admonition, private reprimand, public reprimand or censure; (3) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following: (1) misconduct in office; (2) persistent failure to perform his duties; (3) incompetence; (4) habitual intemperence; (5) violation of The Code of Judicial Conduct, Rule 4.300; (6) any willful refusal or persistent failure to conform to official policies and directives adopted by the Supreme Court and issued by the Chief Executive Officer of the Court of Justice; (7) conviction of a crime punishable as a felony.

Finally, under Rule 4.020 (1) (c), the Commission has authority to remove a judge whom it finds to lack the constitutional and statutory qualifications required for the judgeship. Also Rule 4.020 (2) states that an erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.

Organization and Procedures

The Judicial Retirement and Removal Commission operates independently of the Administrative Office of the Courts. The budget for the Commission is, however, a component of the budget of the Court of Justice and the AOC provides administrative support to the Commission and its limited staff.

Mr. James D. Lawson has served as part-time executive secretary of the Commission since August 1982.

The Commission meets each month, at which time correspondence and complaints are reviewed by members. The Commission has developed a general pattern of inviting judges in for an informal appearance

before authorizing a preliminary investigation when a complaint is received which states allegations within the Commission's jurisdiction. This informal appearance may end the Commission's consideration of a complaint without any type of formal sanction being taken.

Where the situation warrants an investigation, the Commission may authorize a preliminary investigation by one or two part-time investigators employed by the Commission. Before a preliminary investigation is conducted, however, the judge is given notice.

Prior to the initiation of formal charges the judge is given an opportunity to examine all factual information, including the name of the informant, and to supply the Commission with additional information. When formal charges are filed, there is an opportunity to answer the charges and have a formal hearing with right of counsel. Frequently, the Commission employs counsel to present the evidence supporting the charges and generally to handle the hearing for the Commission.

Commission Action

A statistical summary of the matters considered by the Commission during the past year is included on the following page. The number of complaints filed with the Commission increased from 109 in 83-84 to a total of 111 in 84-85.

STATISTICAL REPORT
KENTUCKY RETIREMENT AND REMOVAL COMMISSION

Source of Complaints	Year 1984-85
Judges	3
Auxiliary Judicial Personnel	0
Bar Groups	0
Individual Attorneys	8
Litigants or Friends, Relatives, Witnesses	78
Non-Litigating Citizens	10
Public Officials (e.g., Police, D.A.)	3
Court Watchers	0
Commission Initiated	0
Other	9
Total	111

Complaint by Court	Year 1984-85
District Court	49
Circuit Court	54
Trial Commissioner	6
Court of Appeals	1
Supreme Court	0
Lawyer Seeking Judicial Office	1
Total	111

Types of Allegations	
Disagreements w/Judge's Rulings	45
Judicial Temperament, Impatience, etc.	3
Bias, Prejudice	33
Administrative Problem (e.g. Delay)	12
Ex-Parte Communication	0
No Opportunity to be Heard	4
Willful Misconduct in Office, Disregard of Law	5
Off-Bench Misconduct	0
Campaign Violation	9
Judicial Intemperance	0
Judge Practicing Law	0
Total	111

Disposition	
Dismissed (Unfounded, Frivolous)	49
Not Within Commissions Jurisdiction	27
Case Closed	0
Judge Resigned Before Formal Charges Filed	2
Judge Resigned After Formal Charges Filed	0
Judge Retired Before Formal Charges Filed	0
Judge Retired After Formal Charges Filed	0
Case Dismissed After Formal Hearing	0
Case Dismissed After Recommendation for Discipline	0
Private Censure	1
Public Censure	5
Suspension w/o Pay as Final Sanction	1
Fine Imposed	0
Involuntary Retirement	0
Removal From Office	2
Other Disposition	0
Complaints Pending	8
Complaints Resolved After Informal Investigation	28
Informal Appearance	14

RULES OF COURT

Kentucky court procedure is governed by the Rules of Civil Procedure (CR), Rules of Criminal Procedure (RCr), and Rules of the Supreme Court (SCR). When the judicial system was revamped by constitutional amendment in 1976, it became necessary to promulgate many rules amendments to meet the changing needs of the courts.

For several years subsequent to 1976, rules revisions were made when it became apparent that existing procedural provisions were not applicable to the unified Court of Justice, and to bring the rules into conformity with constitutional and statutory enactments.

Although necessary, the process was unwieldy and it proved difficult to keep the members of the bar informed of the many amendments on a continuing basis.

In an effort to make the practice of law less complicated, the Supreme Court adopted a policy whereby rules changes will be promulgated once annually, on July 1, except in exigent circumstances. In accordance with CR 87, proposed changes may be submitted to the Supreme Court for its consideration by practicing attorneys and laymen.

Rules of Civil Procedure

The Rules of Civil Procedure govern procedure and practice in all actions of a civil nature in the Court of Justice except for special statutory proceedings.

Supreme Court Justice Charles M. Leibson has been appointed by Chief Justice Robert Stephens to chair a committee to consider proposals for civil rules changes. He in turn has appointed a committee of practicing attorneys which meets periodically to review suggestions submitted to the Supreme Court. A report is compiled by the committee which includes its recommendations for rules amendments, and an annual public hearing is held by the Supreme Court on those proposals during the Kentucky Bar Association Convention. Several amendments have been adopted during this reporting period as a result of the committee deliberations.

Justice Leibson and his committee are conducting similar meetings concerning the civil rules in preparation for another public hearing in the spring of 1985.

Members of the Civil Rules Committee are:

Justice Charles M. Leibson, Chairman

Hon. Uhel Barrickman, Glasgow

Hon. E. Andre Busald, Florence

Hon. Frederick Dolt, Louisville

Hon. Joseph Huddleston, Bowling Green

Hon. William E. Johnson, Frankfort

Hon. William R. Mapother, Louisville

Hon. William A. Miller, Jr., Louisville

Hon. William P. Mulloy, Louisville

Hon. Edward Stopher, Louisville

Rules of Criminal Procedure

The Rules of Criminal Procedure govern procedure and practice in all criminal proceedings in the Court of Justice. They are intended to provide for a just determination of every criminal proceeding, and must be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

Chief Justice Stephens has appointed Supreme Court Justice Roy N. Vance to assume leadership of a committee to consider proposed changes in the Rules of Criminal Procedure. Since the adoption of a massive revision of the entire body of criminal rules took place in 1981, activity in this area has been limited. Justice Vance has appointed a committee to review proposed changes to the Rules of Criminal Procedure. The committee submits its recommendations to the Supreme Court for its deliberation after an annual public hearing is held.

Members of the Criminal Rules Committee are:

Justice Roy N. Vance, Chairman

Hon. Larry S. Roberts, Lexington

Hon. Penny Warren, Frankfort

Hon. Frank W. Heft, Jr., Louisville

Hon. Frank E. Haddad, Jr., Louisville

Hon. William E. Johnson, Frankfort

Rules of the Supreme Court

The Rules of the Supreme Court cover matters of policy and administration within the Court of Justice, and govern admission of persons to practice law and the practice of law within the Commonwealth. Rules relating to the Judicial Retirement and Removal Commission, the Judicial Nominating Commissions, and the Judicial Ethics Committee are included, as well as rules for trial commissioners of the Court of Justice.

Justice James B. Stephenson has been appointed by the Chief Justice to review proposed changes to the Rules of the Supreme Court.

THE ADMINISTRATIVE OFFICE OF THE COURTS

The Administrative Office of the Courts, by statute, serves as staff for the Chief Justice of the Kentucky Supreme Court. As executive head of the Court of Justice, the Chief Justice has delegated a majority of the statutory functions to the AOC, whose personnel component is under the administrative authority of Don. P. Cetrulo, Director.

The Administrative Office of the Courts is located in the Bush Building, Frankfort, Kentucky

Pursuant to Section 110(5)(b) of the Constitution the following duties are assigned to the Administrative Office of the Courts under the supervision of its administrative director:

(1) To act as fiscal agent of the Court of Justice, including:

(a) preparation of budget estimates and a budget draft for each biennium;

(b) administration of the budget including the allotment and allocation of all funds;

(c) preaudit and approval of all expenditures;

(d) maintenance of authorized imprest cash funds;

(e) purchase of equipment, supplies and services;

(f) storage and disbursement of equipment and supplies;

(g) repair and maintenance of equipment;

(2) To maintain under its direct control data processing equipment and facilities and other information gathering systems for the purpose of:

(a) publishing statistical and status reports on the operation of the courts;

(b) evaluating special projects conducted under the auspices of the court;

(c) operating case management, and other data processing systems.

(3) To administer the local court facilities program;

(4) To administer the personnel policies of the Court of Justice and process all personnel actions and payrolls for the Court of Justice;

(5) To prepare, publish and print forms and manuals for the court and print stationery and other materials;

(6) To provide support for the regional administration of trial courts, boards and commissions;

(7) To provide educational programs for judges, clerks and support personnel;

(8) To regulate accounting and records practices and procedures;

(9) To supervise the state law library;

(10) To administer the pretrial services program;

(11) To perform such other functions as may be directed.

ADMINISTRATIVE SERVICES

Fiscal matters are handled by the Administrative Services Group which is responsible for payroll processing, purchasing, accounting, court facilities, and logistical support in the areas of furniture, equipment, supplies and printing for the Court of Justice.

The Accounting/Purchasing section receives and approves all expenditures for the Court of Justice, reconciles statements of account on a monthly basis, and provides a unified purchasing system to secure goods and services for offices of the Court of Justice throughout the state. The processing of requisitions of office supplies and forms has been computerized. Continuing efforts are being made to streamline the system in order to achieve a same-day turnaround on the processing time.

The Personnel Section provides the administrative, accounting and clerical services necessary to maintain a work force of approximately 2,100 judicial and non-judicial personnel. Included in the 120 county system are justices and judges, trial commissioners, circuit clerks, pretrial release officers, secretaries, official court reporters, trial court administrators, law clerks and the central staff of the Administrative Office of the Courts.

In addition to paycheck preparation and distribution, the personnel section processes workers' compensation claims, assists in recruitment and selection of personnel, evaluates the classification and compensation system, and resolves employee grievances before they reach the formal committee stage. The **Personnel Policies and Procedures Manual** governing non-judicial employees is distributed to all employees.

The efficient management of human resources has become an increasingly critical factor because of severe revenue shortages in the Commonwealth of Kentucky. An automated personnel system has been extremely beneficial in meeting the responsibilities assigned to the Personnel Section. The payroll unit now has the on-line capability to directly enter data into the states' automated payroll system, saving time and paper work.

PERSONNEL DATA
FY 1984-85

Personnel Type	Total Number of Personnel Statewide
Judicial	235
Circuit Clerks	120
Deputy Clerks	1090
AOC	73
Pretrial Services	162
Other Non-Judicial (Court Reporters; Secretaries; Trial Commissioners; Equipment Repair and Forms Printing; Law Clerks; Staff Attorneys; Court Administrators; Jefferson County Data Processing; and Fayette County Data Processing; Maintenance and Security Staff)	537
TOTAL FULL-TIME EQUIVALENT EMPLOYEES	2217

The Facilities Management Section was originally established to secure court space during the implementation stages of the judicial amendment in 1976. Its responsibilities have been expanded since that time to include management of an operations center.

Legislation was enacted by the Kentucky General Assembly in 1976 and amended in 1978 and 1982 to provide for reimbursement to units of local government for the use of court facilities, and is based on a formula for compensation which utilizes a "use allowance" and an "operational expense allowance."

County courthouses are the primary source of space used by the Court of Justice for courtrooms, judges' chambers and circuit clerks' offices, and payments are funded by a special appropriation from the General Assembly.

Included at the operations center, which occupies 21,600 square feet of space, are (1) a fully equipped print shop with the capability of handling all the printing needs of the court system; (2) a receiving and shipping center which makes daily shipments of supplies and forms to 460 court offices throughout the Commonwealth; (3) a center for receiving, warehousing, and distributing furniture and equipment, and transport as necessary; and (4) a maintenance and repair shop to provide, service and maintain mechanical and electronic equipment in use throughout the state, including court recording equipment.

FIELD SERVICES

A duty assigned to the Administrative Office of the Courts by Section 110(5)(b) of the Kentucky Constitution is to regulate accounting and records practices and procedures. This is done through the Field Services Unit, which is divided into Clerk Services and Accounting Services.

The primary objectives of **Clerk Services** are to assist the courts and circuit clerks in administrative duties. Clerk Services staff are available at any time to take telephone calls and provide assistance in handling daily problems of the clerks or courts. Field representatives make periodic visits to circuit clerks' offices to answer questions or make suggestions on how that office might be more efficiently operated. If circuit clerks wish to make major changes in their offices, a field services team approach is used to make those changes. Temporary staffing is provided in emergency situations to replace deputies or clerks for illnesses or other unscheduled absences.

Clerk Services provides records management to circuit clerks by preparing records for transfer to the State Library and Archives or, when applicable, with record destruction according to the Records and Retention Schedule prepared by the AOC and approved by the state archivist and Chief Justice.

Clerk Services also provides updates to the Circuit Clerks' Manual and changes in Court of Justice forms to comply with new legislation. Assistance is also given in the preparation of educational programs for court personnel.

Accounting Services provides fiscal assistance to circuit court clerks, the largest area of which is in accounting for monies in the custody of the circuit clerks. In FY 1984-85, the circuit clerks paid into the Kentucky Treasury $46,105,777, representing General Fund and other agency receipts collected by the clerk. In addition, the clerks collected and accounted for third party monies such as bail bonds, restitution, library and county jail fees. The clerk is also custodian of the Jury and Witness Imprest Funds.

Accounting Services has the responsibility of implementing and updating the Uniform Accounting System used by all clerks. Accounting Services:

(1) continually updates the Uniform Accounting Manual.

(2) monitors internal control

Seminars on accounting procedures for clerks and deputy clerks were conducted by the Field Services Unit at the Administrative Office of the Courts.

procedures to insure proper accounting of funds in the custody of the circuit clerk.

(3) makes periodic routine visits and provides on-site assistance for specific problems as requested by the clerk or judge.

(4) reviews monthly financial reports prepared by the clerks

(5) provides temporary staffing in emergency situations.

Fiscal assistance is also provided through:

(1) the review of Court of Justice forms used in accounting and their revision as necessary.

(2) assisting in the preparation of educational conferences, on-site training, regional meetings and intensive one-week training sessions for newly appointed bookkeepers.

Working closely with state auditors, Accounting Services field representatives assist in auditing circuit court clerks. Accounting Services staff are available to the state auditors to answer questions that may arise during their audit. They are also available at the exit conference and assist in resolving audit findings.

STATE LAW LIBRARY

The State Law Library is a professional research library funded by the General Assembly as a support service for the Court of Justice. It is the central collection of legal literature for the state government and is available for use by public officials and their staffs, state employees, attorneys and citizens. With a small staff, it is not a public library which renders full library services to the public, but provides only directional reference service to persons who are not members of, or employed by, the Court of Justice.

In order to furnish the bench, bar, and others with timely information concerning current legal literature, the State Law Library prepares regular bibliographic features for **Accent On Courts**, which consist of columns concerning the state-court facets of recent federal cases, abstracts of memoranda written by the staff attorney, and summaries of Kentucky reports of cases.

The readers' service activities of the State Law Library during FY 1984-85 were as follows:

Numbers of Readers	**3,465**
Items Circulated	**2,443**
Reference Inquiries	**1,753**
Copies Made for Patrons	**7,001**

The State Law Library keeps the law-book collections of the justices and judges of the Court of Justice up-to-date, and furnishes them newly published law books if funds are available. Working with county and other publicly-funded law libraries, the State Law Library renders assistance upon request; however, state funds are not used for this purpose.

A judicial staff attorney, with the help of other members of the State Law Library staff, provides professional legal-research assistance to justices and judges who request it. This includes the use of printed materials and the Lexis computer, to which the justices and judges do not otherwise have access. A summary of the judicial staff attorney's activities for fiscal year 1984-85 follows:

Number of inquiries received	**195**
Number of such inquiries from previous users of the service	**178**
Number of written responses	**106**
Number of unwritten responses	**91**
Number of pages of copies law library material furnished	**5,064**

Completed compilation and bound **Index to Articles Concerning Kentuckians in Reports of Cases 1754-1984:**

Editing of **District Judges Benchbook**, 3d ed. 1985; and principal editorial work for **Guide to Kentucky Legal Research 2d**, 1985, not yet indexed or published.

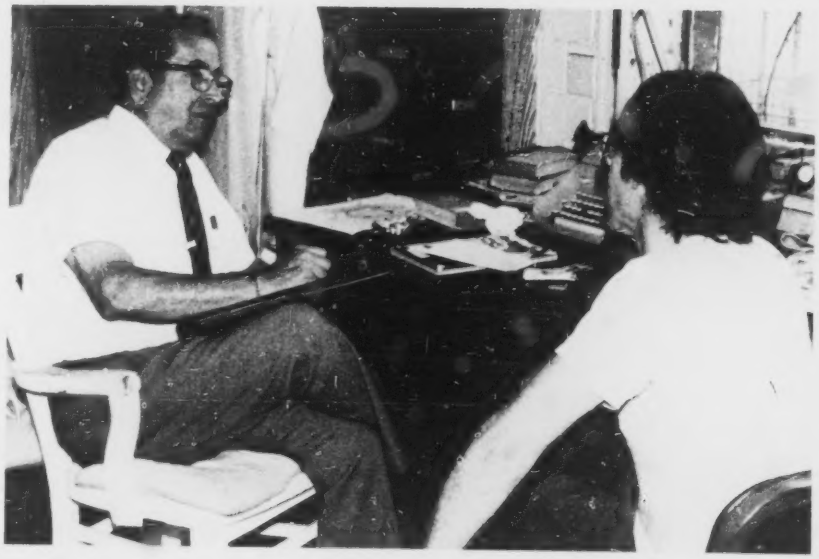
The State Law Librarian and the Judicial Staff Attorney attended various judicial education programs.

The activities of the General Assembly and its committees were observed and recorded for the purpose of keeping the judiciary informed.

PRETRIAL SERVICES

Efforts to identify and implement new strategies for release of defendant's held in Kentucky's overcrowded correctional system remained at the forefront of the Kentucky Pretrial Services Agency's efforts during FY 1984-85. Working with judges, prosecutors, law enforcement and communities, pretrial officers have achieved steadily increasing release rates without jeopardizing the community, or increasing the percentage of defendants who fail to appear.

Since 1976, when the Kentucky General Assembly abolished the commercial bail industry, implementing the statewide Pretrial Services Program, pretrial officers have been gathering basic background information through an interview process, collecting prior criminal histories, verifying all information and presenting the interview results to a judge for a release decision. The judge may consider the extent to which each defendant has ties to the community in which he is charged, enhancing, the likelihood he will appear for court. The defendant's personal record of previous court appearances and his record of being accused or convicted of violent crimes in the past are also considered. Each of these factors is important in making an informed decision as to which defendants should be released without posting a cash bond or which should be burdened by financial conditions prior to release. Once the interview process is completed, many defendants will be obvious "good risks" to release on their own recognizance or an unsecured bond.



Pretrial officers gather basic background information through an interview process.

The real challenge, however, in reducing jail overcrowding rests in dealing with the defendant who has not lived in the community very long, has failed to appear once in the past, or has an extensive criminal history. In response to this problem, the agency has increased emphasis in two activities designed to deal with these problem defendants. First, when presenting the interview on a defendant in these circumstances, the pretrial officer attempts to determine non-financial conditions which, when met, will enhance the probability that the defendant will return for court or not be dangerous during pretrial release. Conditions may require a defendant to report periodically to the pretrial officer, stay away from the alleged victims involved, or any other condition reasonably designed to reduce the possibility of flight or future criminal activity and that will guarantee his or her appearance at all court dates. During this fiscal year, 6,198 defendants were released on non-financial conditions.

The pretrial officer's attempt to determine reasonable conditions of release does not stop with the initial presentation to the judge. The second emphasis area to reduce jail overcrowding is the Supreme Court mandated 24-hour review. Any defendant who is unable to meet the financial condition of his release 24 hours after those conditions are set is represented to the judge. In many instances where the judge has required a cash bond be posted, the defendant may not have adequate financial resources to post bond. The 24-hour review allows the judge the opportunity to reduce the bond amount or to allow court approved surety in lieu of cash. During the fiscal year, 37,792 24-hour reviews were conducted, resulting in 8,066 additional releases.

Continuing efforts to give each defendant every opportunity for release, pretrial officers periodically present the court with jail census reports indicating which defendants are in jail on pretrial status, their conditions of release and upcoming court dates. Affidavits of Poverty are completed on each defendant requesting a public defender, accelerating the appointment process and reducing the time a defendant who is not released must spend in jail prior to trial.

One of the most reliable sets of information in predicting the likelihood of a defendant failing to appear or being dangerous during release is the defendant's record of prior criminal offenses. During FY 1984-85, efforts to computerize criminal histories have expanded to several new counties. Computerization and the eventual linking of data banks creating a statewide criminal history system is a long term project requiring thousands of work hours. Individual pretrial districts have prepared for computerization in FY 1984-85 by compressing their respective local criminal history systems, creating ease of data entry when the data entry team reaches their county.

The introduction of federal programs designed to increase apprehension of certain offenders has presented a new challenge to some judicial districts. In Fayette County the Traffic Alcohol Patrol Project created a significant increase in DUI arrests. A process was established whereby most of the DUI defendants were released to third parties who agreed to take the defendant home and make sure he appeared in court as required. Not only did this process insure high appearance rates but it served to protect the community from the possibility of intoxicated drivers getting behind the wheel.

Fiscal Year 1984-85 Agency Statistics

In FY 1984-85 the pretrial services agency continued to increase the percentage of defendants interviewed and the percentage of defendants released without posting cash bond. The number of arrests continued to decline. In FY 1984-85, 171,927 persons were arrested and placed in custody compared with 184,453 in FY 1983-84.

Because 82,013 (48%) defendants were released without posting money bond, the General Manager of Pretrial Services has kept close watch over agency failure to appear , rearrest, and fugitive statistics. In FY 1984-85 only 4.4% of program releases failed to appear in court as scheduled. The 60,261 defendants released through the program had 117,182 court appearances scheduled. Program release defendants failed to appear at 2,625 scheduled court appearances, generating a court appearance based FTA rate of 2.2%. Of the 60,261 program releases 2,673 were arrested for a new offense while their case was pending, creating a rearrest rate of 4.4%. While a total of 2,625 program release defendants failed to appear, only 1,522 still remained at large at the end of the monthly reporting period in which they failed to appear. The fugitive rate for FY 1984-85 was 2.5%.

OTHER PRETRIAL SERVICES

Citizen Dispute Mediation

Kentucky Pretrial Services provides complaint intake and dispute mediation services to the Commonwealth's three urban centers. Jefferson, Fayette, Kenton, Campbell and Boone Counties are each staffed to receive citizen criminal complaints during day and evening hours. Once the citizen explains his complaint to the intake officer the option of seeking a resolution through the informal mediation hearing rather than formal court processing is presented. Although participation in mediation is voluntary 10,005 of the 34,473 citizens wishing to file complaints chose mediation in FY 1984-85.

During FY 1984-85 Citizen Dispute Mediation has been working closely with merchants in the Commonwealth's urban areas refining and expanding the use of mediation in bad check cases. Mediation has proven to be a valuable tool, both for merchants who are able to collect on bad checks without spending hours in the courtroom and to the courts which experience a corresponding reduction in caseload.

Spouse abuse and other forms of domestic abuse have long been an important arena for mediation. The year has been enhanced communication between intake staff and local spouse abuse centers designed to provide better

understanding of this special group of victims.

Diversion

Pretrial Services provides misdemeanor diversion services in the Northern section of the Commonwealth encompassing Kenton, Campbell and Boone Counties. After defendants are screened, based on the pretrial services interview, eligible defendants are offered the opportunity to complete a diversion contract resulting in the dismissal of the charges against them. Conditions of diversion include restitution, voluntary community work, charitable contributions, submission to medical or psychological treatment, and no further criminal activity. Compliance with each condition is closely monitored by pretrial diversion officers.

During FY 1984-85, 80% of the diverted defendants successfully completed the terms of their agreement resulting in dismissal of the charges against them. Research is currently underway comparing recidivism rates among diverted defendants with similar defendants who were not diverted.

Permanency Planning For The Commonwealth's Children In Foster Care

Since 1982, Pretrial Services has been actively involved in enhancing awareness among the social service and judicial community of the importance of permanency planning to minimize the length of time children spend in foster care. Statistics demonstrate that children who spend lengthy periods of time in "foster care drift" are likely to be tomorrow's pretrial clients. During FY 1984-85 three new foster care review boards were established in addition to the seven already in existence. Currently over one-third of the children in foster care within the Commonwealth have their case files reviewed by these citizen boards insuring every reasonable effort is made to limit their stay in foster care. Recognizing the plight of children in foster care, the Governor's Protective Service Task Force recommended establishment of foster care review boards in each judicial district in the Commonwealth.

PRETRIAL SERVICES
Diversion and Mediation Programs

Annual Statistical Report

July 1, 1984 - June 30, 1985

Statewide

A. Diversion Component

1. Number of diversion reports prepared	1885
2. Number of defendants diverted	1212
3. Number of defendants successfully completing diversion	746
4. Number of defendants unsuccessfully completing diversion	205
5. Number of diversion cases pending	261

B. Mediation Component

1. Number of complaints received	34,473
a. Number referred for warrant or summons	15,779
b. Number referred to mediation	10,005
c. Other action	8,689
2. Number of hearings scheduled	10,276
a. Those cancelled or withdrawn	4,250
b. Those rescheduled for a later date	623
c. Those actually held	4,994
3. Number of long term call backs made	2,675
a. Those which reported successful	1,472
b. Those which reported unsuccessful	199
c. Unable to contact complainant	1,018

PRETRIAL SERVICES
Annual Statistical Report

July 1, 1984 - June 30, 1985

I.	**Number of defendants arrested and placed in custody eligible for pretrial interview:**	171,927
	A. Number of defendants refusing pretrial interview	9,558
	B. Number of defendants interviewed	129,607
	C. Number of defendants eligible for program release	82,792
	D. Number of eligible defendants presented to the judiciary	79,160
	E. Number of scheduled court appearances for program releases	117,182
	F. Number of program releases revoked	821
	G. Number of program releases which were rearrested pending trial	2,673
	H. Number of indigency affidavits collected by the agency	9,150
	I. Number of 24-hour reviews processed	37,792
	1. Number of bonds reduced	10,706
	2. Number of bonds additional releases	8,066
II.	**Type of release for all defendants:**	
	A. Number of defendants released on program ROR	44,026
	B. Number of defendants released on program uniform schedule of bail (USB)	10,037
	C. Number of defendants released on program non financial conditions (NFC)	6,198
	D. Number of defendants released on judicial ROR, USB or NFC	21,752
	E. Number of defendants released on 10% bonds	18,508
	F. Number of defendants released on Full Cash Bond, Property Bond, or Guaranteed Arrest Bond Certificate	25,208
	G. Number of defendants released on Performance Bonds	469
	H. Number of defendants not released prior to disposition of their case	45,729
TOTAL SECTION II		171,927

FTA REPORT

I.	**Total Program Release FTA's**	3191
	A. Those who voluntarily surrendered	736
	B. Those who were rearrested by State Police	39
	C. Those who were rearrested by other police departments	269
	D. Those who were still at large at the end of the monthly reporting period	1996
	E. Those who were rearrested under other circumstances	76
II.	**FTA rate by defendant**	.053
III.	**FTA rate by court appearance**	.027
IV.	**Fugitive rate**	.033
V.	**Rearrest rate**	.044

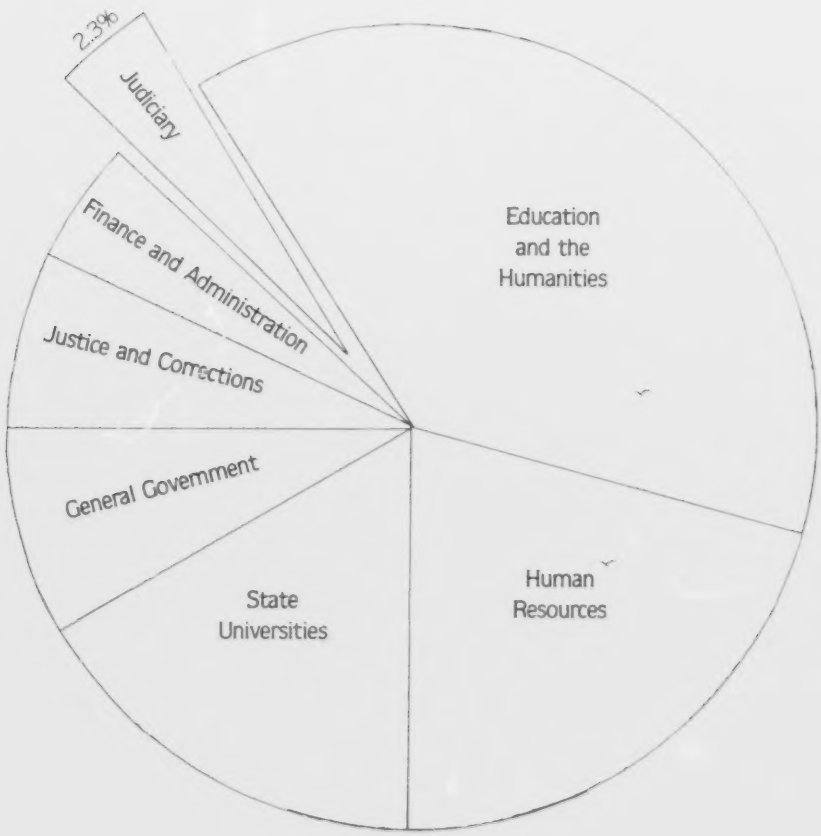
THE BUDGET PROCESS

The annual budget for the Court of Justice is a program budget for each level of court and function, including the estimated cost of personnel, operating expenses and equipment for each of the programs and the quarterly allotments for operating expenses for the 120 circuit clerks' offices. The budget staff has the continuing responsibility of monitoring the program budgets during the fiscal year and the preparation of a monthly analysis on the status of each budget unit.

Financing The Courts

In accordance with the Kentucky Constitution, the Supreme Court, through the Administrative Office of the Courts, prepares annual budget estimates of state appropriations necessary for the operation of the Court of Justice. Since January 1978, the funding of the unified court system has been from state appropriation with all of the revenues collected by the courts being deposited into the State Treasury. The 1984 General Assembly appropriated $120.4 million in general fund support of the court system during the 1984-86 biennium. The General Fund support of the courts represents 2.3% of the total state general funds appropriated in the 1984-86 biennium.

An overview of the budget for FY 1984-85 is reported in the material that follows:



Budget for Fiscal Year 1984-85

The General Fund budget for the support of the court system during FY 1984-85 is $58,887,100. This represents a 3.2% increase over the appropriation in FY 1983-84. A total of $51,151,500 was appropriated for court operation and administration, including personnel costs, operating expenses and capital outlay. Personnel costs represent 87% of the total budget for court operation and administration. The remaining $7,735,600 was appropriated to the local facilities fund for rental payments to local governments for courthouse facilities. The 1984 General Assembly provided funding for continuation at the current level of service. Annual increments for non-elected employees were funded at 2%, and salary adjustments for elected officials were provided at 2%. Funding was provided in 1984-85 for additional positions to provide assistance to the circuit clerks and district judges.

Additional funds were provided for operating expenses and capital outlay to help offset the impact of inflation. The budget for FY 1984-85 is presented by program unit in Table A.

TABLE A

COURT OF JUSTICE BUDGET YEAR 1984-85

	General Fund	Federal & Agency Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,599,600	$	$ 1,599,600	2.71
Court of Appeals & Clerk	2,572,700		2,572,700	4.36
Circuit Court	9,374,400		9,374,400	15.91
District Court	7,942,600		7,942,600	13.48
Circuit Clerks	23,012,200	9,200	23,021,400	39.13
AOC	2,707,300		2,707,300	4.59
Bds. & Comms.	31,800		31,800	.05
Law Library	512,900	1,000	513,900	.87
Pretrial Services	3,125,000	4,300	3,129,300	5.31
Capital Outlay	273,000		273,000	.46
TOTALS	$ 51,151,500	$ 14,500	51,166,000	
Local Facilities Fund	7,735,600		7,735,600	13.13
TOTALS	$ 58,887,100	$ 14,500	$ 58,901,600	100.00%

Collection of State Revenues

The 1976 General Assembly adopted a uniform filing fee, fine and court cost structure for the court system beginning in January 1978. All of these funds collected by the courts are deposited into the State Treasury. A total of $46,105,777 was collected during FY 1984-85 through the circuit clerks' offices, a breakdown of which is presented in Table B.

TABLE B
COLLECTIONS OF STATE REVENUES
CIRCUIT CLERKS' OFFICES
FISCAL 1984-85

	General Fund	Other Agencies	Total	% of Total
Criminal/Traffic Fines & Costs	$ 24,017,398	$	$ 24,017,398	52.15
Drivers License	1,509,675	4,193,257	5,702,932	12.36
Civil Filing Fees	5,640,360		5,640,360	12.23
Boat registration	1,605,579		1,605,579	3.48
Interest Income	1,047,747		1,047,747	2.27
Forfeitures	448,613		448,613	.97
Charges for Service	885,238		885,238	1.92
10% Bond: 10% Fees	262,643		262,643	.56
Bond Filing Fees	452,551		452,551	.98
Fish & Game Violations	54,726	81,729	136,455	.29
D.U.I. Service Fees		2,411,086	2,411,086	5.22
Public Defender		104,881	104,881	.22
Crime Victims		374,677	374,677	.81
State Jail Fund		3,026,555	3,026,555	6.56
Over (Short)	(10,938)		(10,938)	(.02)
TOTALS	$ 35,913,592	$ 10,192,185	$ 46,105,777	100.00%

EDUCATION AND PUBLIC INFORMATION

Education seminars for judges and court support personnel are conducted for each group in order for them to have an opportunity to maintain the highest degree of professional competence necessary to perform the varied judicial services required by the public and the courts.

Supreme Court Rule 8 requires each justice and judge to acquire a minimum of 30 hours of continuing judicial education per biennium. Programs conducted by the Administrative Office of the Courts are structured to meet the mandatory requirements. A total of 72 hours of continuing judicial education was provided in FY 1984-85.

A Mandatory Continuing Judicial Education Commission exercises general supervision over the administration of the rule, and accredits sponsors of courses, programs, and other educational activities which satisfy requirements. The Commission also has authority to exercise exemptions due to disability or for other good cause.

Members of the Commission are:

Justice Donald Wintersheimer, Chairman
Senator Charles W. Berger
Judge John T. Daughaday
Judge Melvin K. Duke
Judge J. David Francis
Honorable John Hickey
Judge William Howerton
Representative E. Louis Johnson
Dean William R. Jones
Judge Thomas J. Knopf
Dean Barbara Lewis
Judge Charles R. Luker
Senator Ed O'Daniel
Representative Dottie Priddy
Judge Daniel A. Schneider

Separate education committees for circuit and district judges meet regularly to assist in planning judicial education seminars.

Judge Michael B. Roney, Vice Chairman
Judge George L. Drury
Judge R. W. Dyche, III
Judge Peter C. Macdonald
Judge Edwin D. Rice
Judge Donald L. Smalley
Judge Judy M. West

A review of questionnaires and evaluations from previous programs provides the committees with valuable information about the education needs of judges.

Circuit Judges Education Committee

Judge John T. Daughaday, Chairman
Judge J. David Francis
Judge Leonard L. Kopowski
Judge Phillip R. Morgan
Judge Olga S. Peers
Judge John W. Potter

District Judges Education Committee

Judge Thomas J. Knopf, Chairman

A Labor Law Seminar for circuit judges was conducted twice during the fiscal year; one in Paintsville and one in Owensboro. Topics discussed during the seminar included federal court/state court relations, jurisdiction, state court proceedings and enforcement of state court orders. The Circuit Judges Judicial College was held October 7-11, 1984 at Lake Cumberland State Park. The annual college is designed to cover substantive legal issues. Areas of instruction during the College included insurance cases, comparative negligence, evidence, expert witnesses, recent court decisions,

child support, sentencing alternatives, and search and seizure.

The District Judges Judicial College was held at Lake Cumberland State Park, September 9-14, 1984. Instruction was provided on the following topics: image of the courts, law-related education, dealing with the media, children in placement, evidence, judicial writing, post judgment remedies, sentencing alternatives, domestic violence, probate, child support and DUI.

An orientation program for new district judges was held in January of 1985 at Natural Bridge State Park. Experienced district judges served as faculty in the following areas: criminal law, civil law, probate, juvenile, mental health, traffic and small claims.

Ft. Mitchell, Kentucky, was the site for a June specialty program for district judges. The judges met with representatives from spouse abuse centers and the Cabinet for Human Resources to discuss domestic violence. Also during the program, a panel answered questions regarding mental health issues and the Commissioner of Social Services talked with the judges regarding placement of juveniles.

Also during FY 1984-85, the District Judges Education Committee revised the **District Judges Benchbook**, which was completed and distributed in June.

Training for court-support personnel is not mandatory but is a high priority and is provided when funding permits. The circuit clerks have an education committee which meets to assist in planning of semi-annual conferences.

Circuit Clerks Education Committee

Mr. Jim Groves, Chairman
Ms. Patty Bromagen
Ms. Nancye Farley
Mr. Jack Haddock
Mr. Conroy Harris
Mr. John Kearns
Ms. Linda McClure
Mr. David Owsley
Mr. Ned Tolle
Ms. Connie Townsend
Mr. Arthur Walson
Mr. Leslie White

The circuit clerks met in Louisville, December 5-8, 1984. The program offered district court workshops including topics of probate, post judgment remedies, DUI procedures, domestic violence issues, Blue Cross-Major Medical Insurance, AOC forms and supplies, forcible detainers and statistics. There were also circuit court workshops on civil cases, criminal cases, appeals, master commissioner sales and administrative appeals.

The circuit clerks returned to Louisville on June 19-21, 1985 for a summer conference. This program focused on the role and function of the clerks in the Kentucky court system. It also included workshops on economic management and financial planning.

The trial court administrators met in Owensboro on April 19, 1985 for a one-day seminar on stress management, and court procedures.

PUBLIC INFORMATION

During fiscal year 1984-85, Public Information continued to direct its efforts toward youth law-related education. With the addition of another public information officer, the two-person staff was able to maintain routine publication duties, including regular newsletter, directory and Annual Report production, while actively pursuing the development and implementation of law-related education projects.

Under the cooperative auspices of the Court of Justice, the Kentucky Bar Association, and the state Department of Education, the second annual statewide high school mock trial tournament combined the voluntary coaching expertise of approximately 60 practicing attorneys, with more than 90 presiding state trial and appellate judges, to expose over 500 youngsters ranging in age from 13 to 17 years, their parents, teachers, and school administrators to the intricacies of the judicial process. Beginning in March, 52 secondary and middle schools worked their way through single elimination rounds to culminate in Frankfort on April 27 with the meeting of the "final four" in semi-final and final rounds. Court of Appeals judges presiding in two panels over the semi-final rounds were: Dan Jack Combs, Pikeville; William R. Dunn, Covington; Paul D. Gudgel, Lexington; Harris Howard, Prestonsburg; John D. Miller, Owensboro; and John D. White, Manchester. Chief Justice Robert F. Stephens presided over the final round and declared Boyd County High School the tournament champion.

The Court of Justice participated in conducting A Building Partnership for Law-Related Education Conference linking public and private sectors in developing kindergarten through 12th grade law-related education (LRE). One hundred invited educators, lawyers, judges,and business leaders attended sessions outlining the LRE concept and offering implementation strategies, teaching techniques, examination of successful programs around the nation and central Kentucky, and ways community members can participate with educators in establishing and becoming involved in an effective program in their area.

Public Information staff appeared before the state school superintendent's Social Studies Curriculum Task Force to urge adoption of statewide curriculum and programming in the area of law-related education. Made up of members of Parent Teacher Associations, legislators, judges, classroom teachers, and university administrators and faculty, the task force is charged with examining the state's kindergarten through grade 12 social studies program and making recommendations to the superintendent of public instruction on matters of program quality and direction. Additionally, with the extensive cooperation and support of the Court of Justice, the state Department of Education has submitted grant proposals seeking federal funding toward implementation of institutionalized statewide law-related education.

Aside from implementing public law-related education projects, Public Information issues news releases periodically to the state's

Boyd County High School won the 1984-85 Statewide High School Mock Trial Tournament.

print and electronic media on matters pertaining to judicial education, Administrative Office of the Courts managerial appointments, special court events and activities, and court-related honors, achievements, or recognition. Thirty-two news releases were issued during FY 1984-85. These releases generated written and telephone requests for background information on the reported matters, in addition to the daily responses to inquiries from the media, general public, and other state and national agencies on court structure, judicial vacancies and appointments, statistical information, and policy matters.

A quarterly court newsletter, **Accent On Courts**, is mailed to 2,500 judges, court personnel, state legislators and law-related agencies, county judge executives, commonwealth's and county attorneys, the media, and other interested citizens. The newsletter is also sent to state courts and law libraries around the nation.

In compliance with KRS 27A.020(8), the Public Information Office also supervises the publication of the **Annual Report** which is distributed nationally to court administrators, law libraries, and law-related institutions, as well as to the state's General Assembly, executive branch, and judiciary.

Other functions of the Public Information Office have included the production, publication and distribution of various court-related educational and informational brochures, pamphlets and audio/visual material. Public Information staff members also serve as official court photographers. Recently installed darkroom facilities within the Administrative Office of the Courts allow the staff to efficiently provide black and white prints for illustration in Kentucky court and national law-related publications, and in newspapers throughout the state.

ELECTRONIC DATA PROCESSING

By means of effective data processing applications, the Kentucky Court of Justice maintains a court information system which facilitates the retrieval of judicial statistics and, equally advantageous, a system which assists in management and administrative functions.

Caseload information systems for the circuit and district courts have the capability of producing reports on filings and dispositions statewide by county and district. The circuit court judicial statistics are more comprehensive than those of the district court, containing a pending file of all open cases.

In the two largest metropolitan areas of Kentucky, Jefferson and Fayette counties, case information systems are maintained which produce daily dockets, case information, subpoenas, outstanding bench warrants, and other pertinent information. In both counties, the systems interface with the computers of other law enforcement and court-related agencies.

Management systems which assist the Administrative Office of the Courts in its day-to-day operation are invaluable. Programs have been designed to ameliorate the problems associated with manual processing, and function to produce reports as often as necessary.

In these times of economic caution, budget-related systems are among the most useful in administrative matters. Since the Kentucky General Assembly meets in regular session once every two years, a biennial budget request and program memoradum must be prepared and submitted several months prior

to the convening of the legislature. A budget request system is maintained which produces worksheets containing continuation and supplemental budget request information. Additionally, an expenditure analysis system assists in the posting of all financial accounts and provides information concerning the availability of funds or budget status for the fiscal year. Detailed expenditure reports are produced as well as an automatic detailed reconciliation report. State appropriations to the Court of Justice are monitored continually through the use of these programs.

A personnel/position control system has been installed which controls and accounts for all filled and vacant positions in the court system. The program can produce personnel listings in various sequences, requests for personnel actions, for annual increments, and budget projections for calendar and fiscal years. Personnel actions are now entered on-line by the personnel/payroll section which insures that all personnel records are up to date and accurate. The personnel/payroll section also has been supplied with a terminal which provides access to the UPPS master file to enhance coordination between agencies. The payroll cost distribution system distributes payroll and fringe benefits costs for the circuit clerks to the 120 Kentucky counties, and creates automatic budget adjustments and expense transactions.

To expedite the delivery of service to judges and circuit clerks throughout the state, two inventory systems are maintained: (1) the forms/supplies inventory system which provides control and re-order procedures, and produces inventory balances and shipping orders daily, and (2) the equipment inventory system files all state and other-owned equipment by location and item number.

A unified county receipts system functions to provide an audit trail and summary reports of cash receipts and disbursements as submitted monthly from each county by the circuit clerk. The data base was formed by entering information from monthly financial reports dating back to 1978.

A Court of Justice address system is available which contains 17 classes of address listings and which can produce address labels by specified order, e.g., by zip code, alphabetical order, or by judicial district.

In order to provide for the statistical analysis of the Economic Litigation Project, a system has been designed which captures the necessary case-related data.

The Facilities Section is aided in its management of the facilities fund appropriation by a computerized system which captures data from the capital cost construction forms and the field verification forms. The system then calculates the total operating expense, court operating expense, rental expense, space ratio, normal use allowance, and applicable use allowance.

In an effort to assist the executive branch in distributing payroll information to its agencies in Lexington, the AOC has provided a remote printer at its Lexington location for their use.

During August of 1982, the Administrative Office of the Courts converted its data processing operations from the executive branch main computer to its own agency-operated computer. This has provided the AOC with greater flexibility and responsiveness to user requirements.

During fiscal year 1983-84 several new systems were developed. A case management system was developed for the Supreme court to assist them in the distribution of their workload. A legislative bill tracking system was developed to assist the Chief Justice and AOC staff in following legislation which is of interest to the Court of Justice. The Pretrial Services Group has been provided with a system which captures and generates performance statistics on the pretrial program on a local and statewide basis. A warrant control system has been established for Campbell County which captures warrant-related data and provides a daily electronic update of this information to a centralized dispatching center in the Campbell County police department.

During fiscal year 1983-84, a system was developed to assist the local pretrial services offices in keeping track of criminal histories. Systems have been developed for Kenton, Campbell, Boyd and Montgomery Counties.

The Data Processing Unit became familiar with the use of personal computers during fiscal year 1983-84. Experimentation in the use of personal computers in the areas of pretrial services, criminal histories, circuit clerk accounting, warrant control, computer-aided transcription and budgeting was conducted.

During fiscal year 1984-85 the Data Processing Unit designed and installed several new systems. In order to assist the circuit clerks with their accounting functions, a system was created to handle receipts, disbursements and bookkeeping. This system operates on a personal computer. Personal computers were also installed in each of the Court of Appeals local offices. These devices assist the Court in the preparation and revision of opinions as well as in legal research. The Data Processing staff is also designing a comprehensive case management system for the Clerk of the Court of Appeals. In addition, staff has devoted considerable time to training various court personnel in the use of personal computers in the areas of word processing and spread sheets.

REGIONAL ADMINISTRATION

One of the constitutional duties of the court system's chief executive is the temporary assignment of any justice or judge to sit on another court when deemed necessary for the prompt disposition of causes. The Chief Justice may delegate this authority and has done so through the Regional Administration Program.

Under the Regional Administration charter, chief regional judges, both circuit and district, are appointed for two-year terms by the Chief Justice, thus providing the chief regional judges direct authority in exercising their duties which include: (1) to plan, coordinate and supervise the activities of the Regional Administration Program within the region; (2) to exercise the judicial assignment authority delegated by the Chief Justice; (3) to exercise the judicial assignment authority for appointment of retired judges who consent to appointment; (4) to exercise, in coordination with other chief regional judges, authority for assignment of judges from one region to another with the consent of the appropriate chief regional circuit or district judge; (5) to require each judge to reserve periods of time of such length and frequency as the chief regional judge deems appropriate to be available for assignment in other circuits; and (6) to call the docket of any circuit for the purpose of dismissing pending actions for failure to prosecute or reduce delay.

In addition, the charter provides for the establishment of eight administrative regions.

Program goals in the charter are: (1) to expedite disposition of litigation in the regions through equalization of work among the judges; (2) to promote uniform procedures and practices within regions and throughout the state; and (3) to provide for prompt substitution where a judge is disqualified or where there is a temporary vacancy. The Regional Administration Program also reduces, though does not alleviate, the need for additional judgeships in areas of the state where caseloads are periodically heavier than normal.

The chart on this page indicates the number of assignments made in the regions for FY 1984-85.

NUMBER OF ASSIGNMENTS
REGIONAL ADMINISTRATION PROGRAM
(From July 1, 1984 Until June 30, 1985)

	District Court		Circuit Court		Total Assignments
	Active	**Retired**	**Active**	**Retired**	
Purchase	57	-0-	67	21	145
Green River	51	-0-	95	6	152
Cumberland	46	6	1	2	55
Metro	9	1	53	3	66
Bluegrass	29	-0-	39	1	69
Northern	91	13	46	34	184
Mountain	22	-0-	281	45	348
Fayette	4	-0-	1	-0-	5
TOTALS	309	20	583	112	1024

MAP OF
KENTUCKY
REGIONAL ADMINISTRATION PROGRAM
1 Purchase
2 Green River
3 Cumberland
4 Metro
5 Bluegrass
6 Northern
7 Mountain
8 Fayette
ILLINOIS
INDIANA
OHIO
WEST VIRGINIA
VIRGINIA
TENNESSEE
MISSOURI

VIDEO COURT REPORTING

The Kentucky Court of Justice has led the nation in developing and implementing innovative technological advancements in video court reporting over the past few years. Although Ohio and Tennessee have also experimented with video recording systems, only Kentucky has successfully produced and implemented manual and automated video camera systems designed to record court proceedings.

During FY 1984-85, Kentucky's Administrative Office of the Courts implemented a prototypical automated video court reporting system. While a manually controlled video recording system has been in full operation in Judge James Chenault's Madison circuit courtroom since late 1981, the new automated video system introduced this fiscal year in Judge Laurence Higgins' Jefferson circuit courtroom is computer operated, eliminating the need for additional court personnel.

The Jefferson County automated video system, designed jointly by Administrative Office of the Courts technicians and Jefferson Audio Visual Systems, includes four color cameras, and six microphones, which are placed about the courtroom to record the individual parties involved in court proceedings. One camera also provides an overview of the courtroom in addition to close-up shots.

A computer programmed sound mixer automatically and instantaneously switches the cameras from person to person in the courtroom to give close-ups of the judge, witness, and attorneys as individual microphones begin to transmit. The cameras and microphones are programmed to lock-in on an individual speaker, such as the judge, and will not switch to another speaker, such as an attorney, until the first has finished talking.

For example, if the judge is speaking, his or her microphone transmission will activate the camera best angled toward the bench to begin recording the judge. Should the judge stop speaking and the witness begin to speak, the camera recording the judge will shut off and the camera assigned to the witness stand will be voice-activated by microphone to begin recording the witness. Should the witness be speaking and one of the attorneys stand up and object to a statement, the camera will not switch from the witness unless he or she stops speaking. This function is intended to prohibit outside distractions from interrupting the recording of court proceedings, and prevents the cameras from needlessly switching back and forth, providing for smoother playback.

The video recording system's power transmitter is located outside the courtroom.

A television monitor is placed on the judge's bench to allow him or her to keep track of the recording process. A 25 inch monitor is also located in the courtroom should it be necessary to play back a tape during the course of a trial. In addition, a camera, microphone and monitor are installed in the judge's chamber to allow recording of procedures within the chamber and monitoring of courtroom activities while the judge is away from the bench.

The average cost of the automated video camera system is $30,000 per courtroom and an additional $4,000 per judicial chamber. By the end of FY 1984-85, there were four courtrooms in Jefferson County equipped with automated systems. That number is expected to double in Jefferson County. Three automated video systems are planned for Fayette County Circuit Court during FY 1985-86.

A recent evaluation of Kentucky's video recordation system, conducted by the National Center for State Courts, determined that video taping is the most advantageous means of court reporting both in terms of benefits and cost efficiency. Among the benefits of video court reporting as cited by the National Center are:

Recording Accuracy. Video taping allows for complete verbatim recording of all court proceedings. Because the tapes can be used as transcripts in themselves, the possibility of omitting words or sentences through human incomprehension or other error is eliminated. The tapes also allow a viewer to experience the manner in which each participant conducted himself or herself in addition to hearing what was actually said. These are assets that a paper transcript cannot provide.

Reliability. Over the past three years of video recording trials in Madison Circuit Court, there has been only one minor breakdown of video equipment. Likewise, the Jefferson County system has remained trouble free since its installation in FY 1984-85.

Timeliness. Since video tapes can act as transcripts in themselves, they are available for immediate playback, avoiding the wait of a written transcript, which can sometimes take months to produce. Copies of the tapes can easily be provided to parties involved in a case.

Unobtrusiveness. Because the cameras are wall-mounted like those in a bank, and because the computer system is located outside of the courtroom, the automated video system is much less distracting or obtrusive than a court reporter.

Suitability for Education. Video tapes of court proceedings can be used to educate both public and law-related individuals through public forums, high school and college classes and judicial and bar-sponsored seminars and programs.

The National Center's report also determined that video recording of trials provided the greatest possible results for the lowest possible cost. Although the initial cost of the automated camera system is around $34,000, it eliminates the need for an in-court machine operator, saving the court system salary and benefit expenses. In Kentucky, court reporters earn as much as $20-22,000 per year, including fringe benefits. Video systems that replace court reporters will pay for themselves in less than two years. The average annual maintenance cost for the video equipment is $1,200 which means substantial savings in comparison to $22,000 annually to retain a court reporter.

The Administrative Office of the Courts is not intent upon ridding the judicial system of all court reporters. As the number of court reporters is reduced through attrition, however, the financial savings can be reinvested into additional video recording systems. Eventually, judges throughout the state will have a choice between video or court reporters and it will be up to the discretion of each individual court to determine which alternative is most accommodating.

Two of the four video cameras in this Louisville courtroom are mounted on the wall behind the bench. Two of six microphones are suspended from the ceiling.

ECONOMICAL LITIGATION PROJECTS

Concerned about unnecessary delay and costs of civil litigation and about the public image of the courts, former Kentucky Supreme Court Chief Justice John S. Palmore requested assistance in early 1980 from the American Bar Association's Action Commission to Reduce Court Costs and Delay in addressing these problems. As a result of cooperation between the Action Commission, the Kentucky Administrative Office of the Courts, judges and attorneys, an Economical Litigation Project (ELP) was designed. This project is intended to reduce the costs and delay of civil litigation by reducing the total time from filing to disposition, limiting discovery, encouraging settlement, and emphasizing judicial management of the caseflow.

The Circuit Court of Campbell County, a two-judge, medium caseload, urban court was the first site to test this new concept. After determining that the special court rules of Campbell County had a positive influence on case processing, ELP was expanded to two additional circuits. As of October 1, 1982, the 21st Circuit of Bath, Menifee, Montgomery and Rowan Counties applied slightly modified ELP rules to the civil docket. In November 1982, the 13th Division of the 30th Circuit came under the purview of ELP rules. While the 21st Circuit is a high "per judge" caseload court with the highest population and highest total caseload in the state, support staff for the project in the 21st Circuit is limited to the judge's secretary and the clerks in each of the four counties. In the 30th Circuit, a court administrator, bench clerk, and secretary are directly involved in monitoring and managing the caseflow of ELP cases. The contrast in the court environments and working conditions within these three jurisdictions was sought in order to better test the feasibility of transferring the ELP concept statewide. While the rules can undoubtedly be adopted with little trouble, the administration of the program and adherence to the spirit of the rules by the court requires management expertise and resources that all courts may not have available. In FY 1984, an Administrative Office Task Force focused on how to transfer this project efficiently to other locations throughout the state. In FY 1985, the expansion of this program or the use of time standards in some form has been under review.

Economical Litigation Project Rules

Each of the three courts now operate under the same Supreme Court Rules, i.e., Rules 89 through 97, adopted in September 1982. Under the rules, civil cases respecting contracts, personal injury, property damage and property rights are assigned to the ELP docket. Domestic relations cases which average 46% of these circuits' total caseload are not included.

Planning and scheduling conferences, limits on discovery, and specific time limits for major case events are the primary components of the special ELP rules. After discussion with the judges in Campbell County, members of the American Bar Association, and the two judges of the 21st and 30th Circuits, the rules first implemented in Campbell County in December 1980 were modified slightly and ordered into effect in all three courts in September 1982. The 1982 changes were not major; for example, the setting of a trial date was to be accomplished at the discovery conference rather than at the pretrial conference to better accommodate attorneys and the court calendars. Also added to the rules was the use of telephone conference calls for conferences or motions. Both rule modifications were incorporated to facilitate caseflow.

In addition, in Campbell County, the civil docket eligible for ELP was no longer split randomly in half. A procedure of random assignment had been followed in order to more scientifically evaluate the impact of rules. After September 1982, all eligible cases in all three courts were subject to the following rules.

1. A discovery conference is scheduled within 15 days of the filing of the last responsive pleading or the date that pleadings could have been filed under the regular rules of civil procedure. This conference, which includes the trial judge and all parties, is essentially designed to plan the course of discovery and discuss any special needs regarding the limits of discovery and case event time. A pretrial conference is scheduled within 60 days of the discovery

conference and the trial date is set 30 days following the pretrial conference.

2. Despositions are permitted as a matter of right of parties only. The plaintiff is required to give his deposition prior to that of the defendant. This requirement gives the defendant the opportunity to examine the plaintiff regarding the merits of the case. Depositions of witnesses who will not appear at the trial may be granted under the provisions of the regular rules.

3. Interrogatories of any party are not to exceed 20 in number, each of which may contain only one question. Prompt exchange, access, and inspection of evidence are also required under these rules unless an objection is raised in which case the court may intervene.

4. An exchange of information including a list of witnesses, descriptions of evidence, and concise statements of the issues and facts is required to be submitted to all parties 50 days after the discovery conference or no later than 10 days prior to the pretrial conference. This rule is meant to supplement the limited discovery and promote the narrowing of issues, thus encouraging settlements.

5. At the pretrial conference, settlement may be discussed. However, the assumption is that once a case has reached this point, a trial will be held. Therefore, the pretrial conference serves to gain consensus on the issues and further prepare the case for trial.

6. The use of telephone conference calls for motions and conferences is available to the court and parties.

7. Continuances are limited by requiring good cause and notification of the client of the moving attorney.

THE CASE MANAGEMENT SYSTEM

As can be seen, the special rules require planning and scheduling conferences, limits on depositions and interrogatories, and firm time limits on case events in order to encourage settlement and reduce costs and delay. The effectiveness of these rules depends on the quality of judicial management of the cases on the special docket.

The judges are responsible for communicating the substance and the spirit of the ELP rules to the practicing attorney and insuring the cooperation and compliance of these attorneys. The real task of the judges is establishing judicial control of a docket traditionally controlled by the attorneys. This task is accomplished by insisting that the special rules be adhered to from the first day of the life of a case until its last day. Emphasis is placed on an early discovery conference and a firm trial date. There is little hesitation to call attorneys if a case is found to be severly lagging behind the targeted event dates.

It is not meant to imply that in the above description that the rules are applied inflexibly. Realistically, the rules are applied discreetly and relief has been granted from the requirements of the rules when necessary.

Essential to effective management of the caseflow by the judges are the efforts of the staff in the project sites. As could be expected from the earlier description of these court environments, each court has handled the administrative responsibilities differently. The case management approach of each court is described briefly below.

17th Circuit-Campbell County.

The clerks have been responsible for assigning each ELP case a special case number, and color-coding the ELP case jackets and docket sheets. Other than these differences, the ELP cases have moved through the clerk's office as do all other civil cases. Initially, the responsibility for monitoring the status of the ELP cases, flagging cases not proceeding according to rule, and notifying attorneys and judges of delay rested on the court administrator. Specifically, the administrator contacted the parties upon lack of service of the

complaint or lack of response to the complaint as well as notifying them of their discovery conference date. He regularly informed the two judges about cases which were off schedule. Detailed information on the activity in each ELP case was maintained manually on a log sheet developed by the administrator. This log sheet or chart was used for case tracking and for the compilation of statistical information on the program.

In January 1984, two major changes occurred. First, the administrative responsibilities were transferred to the clerk's office and second, all eligible civil cases were handled under the rules. To handle the monitoring and scheduling, the deputy clerk in charge established a tickler card file and eliminated the charting system. With all eligible cases going under the rules, the random assignment procedure under which cases were assigned during the first two and one-half years was dropped but the special numbering was maintained for identification purposes. These changes facilitated the case scheduling process. Having been the focus of extensive evaluations by the American Bar Association, the need to provide statistical summaries on case processing has lessened so the elimination of the log was acceptable. Both the court administrator and deputy clerk estimate the record-keeping tasks of the project consume approximately an hour a day or four to five hours a week.

Case tracking and notification has been handled through a manual caseload tracking system. However, the feasibility of computerization of these and other records in the Campbell County Clerk's Office has been studied. Automation could provide the court with an automated tickler file system to handle much of the tracking and notification tasks as well as provide other services. As yet however, the manual approach continues to be the management method.

21st Circuit-Bath, Menifee, Montgomery, and Rowan Counties.

The four-county makeup of this circuit presented unique problems in terms of scheduling and monitoring case activity. As in Campbell County, the clerks have assigned a special case number and placed the ELP cases in a special case jacket. Then, to assure that scheduling conflicts did not occur, the judge's secretary assumed primary responsibility for case management in this circuit. Using copies of the most relevant case documents, i.e., complaints, service, answer and motions, that are sent from the individual clerks' offices to the secretary, a duplicate case file is prepared and a card tickler file was set up in the secretary's office to mark when specific action by the court or the parties is due. Notification of the discovery conferences and other scheduling and the need for service or default judgments is issued from this office.

30th Circuit, 13th Division-Jefferson County.

To accommodate the high caseload volume in Jefferson Circuit Court, the clerks in this court specialize in specific record-keeping tasks. Thus, a number of people were affected by the introduction of ELP into this division. While one segment of the clerk's office assigns the special case number, another maintains the docket sheets, and another files the actual case jacket. Most affected, however, were the circuit court administrator and the judge's bench clerk. A cooperative arrangement between the two has been established to monitor the status of the ELP cases and to keep the cases progressing as required. Twice weekly, the court administrator collects case information from the case docket sheets, logs it and determines the type of action needed by the parties or court and when action is due. The status of these cases is reported to the bench clerk who sets dates in accordance with the judge's calendar, sends appropriate notice to the attorneys, and/or confers with the judge to determine appropriate actions.

In all three courts, the operation of the ELP has meant additional administrative responsibilities for the judges and their support staff. Before the initiation of each project, those to be affected by the special ELP rules were brought together with the staff from the American Bar Association and AOC to discuss the goals of the project, calculate the impact on their specific job, and determine the most efficient method of implementing the rules. As can be seen, each court developed their own procedures, all seemingly effective, to handle their duties.

The Impact of ELP Rules on Caseflow

Extensive data on case activity in the jurisdictions that have ELP were collected by staff of the Administrative Office of the Courts and the American Bar Association with the latter conducting a sophisticated analysis of time and costs in ELP versus regular docket cases as well as attorney and court perceptions of the advantages and disadvantages of the rules. From the data obtained, the evidence clearly shows that the ELP rules and procedures have had a dramatic, positive impact on processing the civil cases in these test-site courts.

The ABA has reported on the Campbell County experience in **The Judges' Journal**, Fall, 1982, and **The Justice System Journal**, Winter, 1983. In the summer of 1984, analysis on data collected in Jefferson County as well as Campbell was presented in a national publication called "Attacking Litigation Costs and Delay."

Unfortunately, the election process in the 21st Circuit disrupted the pace of case handling to such an extent as to preclude the inclusion of their statistical data with the other two courts. While preliminary data collected on the first three months of operation and presented in Kentucky's FY 1983 **Annual Report** indicated that the 21st Circuit's ELP project results were comparable to that in the other two courts, the demands of campaigning in the summer and fall apparently disrupted scheduling and conducting conference hearings and trials. For this reason, the ABA chose not to present statistics on the 21st since the rules in essence were not adhered to sufficiently to adequately assess the program. The experience of the 21st Circuit effectively illustrates one of the essential ingredients of the project, i.e., that control by the court is critical to the effectiveness of the rules.

Delay

The analysis of information collected in Campbell and Jefferson Counties yields convincing evidence that enforcement of the special rules can significantly shorten case life. On the average, the ELP cases in these two courts were disposed about nine months earlier than those handled on the regular docket, i.e., a 64 percent reduction in time. As Table 1 shows, the elasped time between each major interval in the case contributed to the overall reduction in time; the average age of the regular docket case at disposition was 14 months while the ELP cases were five months old. While the Louisville court proved faster overall than the Campbell County court, the ABA determined that these differences were not such that the data from the two courts could not be combined. As can be seen, the differences between the regular docket and baseline cases for the two courts are proportionately similar. These changes occurred essentially regardless of case type–as the data in Table 2 illustrates. Obviously, the use of the special ELP rules and procedures connected with them helped these courts dramatically improve their case processing times and meet one of the formal goals of the project, i.e., that cases be disposed within six months.

The staff of the ABA suggest from their involvement with the project staff and review of the statistics that there are three basic characteristics singly or in combination that reduced the time at each stage of litigation of these cases. First, the new rules shortened the time between filing and answer to pleadings, motions, and discovery, i.e., about 30 days for each responsive pleading and 75 days for the discovery and pretrial phases of the case. With the rules, however, also came a monitoring system. The clerks and court administrators of these test courts regularly reviewed the status of each case and, when appropriate, prompted attorneys to file for default or dismissal. Second, the simplification of procedures dictated by the rules, particularly in the area of discovery, reduced the number of discovery filings which permitted cases to proceed more quickly. For example, the ABA reports a 50 percent reduction in interrogatories filed and a 33 percent reduction in deposition notices. Finally, ELP cases terminated at an earlier stage than the regular docket. Again, the entry of court cases with the monitoring and notification procedures at the earliest stages of case activity encouraged attorneys to act. Also, the discovery conference which convened the parties early in the case life appears to have resulted in speedier settlement negotiations and, ultimately, disposition. Overall, 13 percent more ELP cases were disposed at the pleading stage than the regular docket/

TABLE 1

Comparison of Elapsed Times of ELP and Baseline Dockets at Major Intervals

(Average in Days)

	Kentucky		Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline	ELP	Baseline
Pleadings (a)	34	58	30	54	26	62
Discovery (b)	71	296	80	346	62	245
Pretrial (c)	94	237	83	115	70	359
Total	151	426	184	482	118	369
	N(d) = 242	N = 208	N = 146	N = 93	N = 96	N = 115

(a) From filing to last pleading.

(b) From first discovery event to final discovery event.

(c) From pretrial conference or trial scheduling to first trial day.

(d) N = Number of cases

TABLE 2

Comparison of Average Total Caselife by Case Type

(Average in Days)

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Contract	156	342	100	343
Personal Injury	266	742	116	522
Property Damage	155	588	210 *	193 *
Property Rights	243 *	204 *	67	299
Other	—	—	98	177

* Reversal from trend appears to be related to small number of cases.

TABLE 3

Comparison of Survival Characteristics for ELP and Baseline Cases

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Pleadings (a)	48%	35%	51%	41%
Settled/Dismissed	24%	6%	27%	10%
Motion	19%	24%	11%	11%
Default	5%	5%	13%	2%
Discovery (b)	29%	39%	22%	44%
Settled/Dismissed	16%	32%	15%	25%
Motion	2%	7%	3%	11%
Default	3%	2%	2%	4%
Summary Judgment	1%	3%	2%	3%
Pretrial (c)	16%	17%	20%	11%
Settled/Dismissed	12%	16%	15%	10%
Motion	2%	1%	1%	1%
Default	2%	—	1%	—
Trial (d)	9%	9%	7%	4%

(a) Cases starting, not surviving pleadings -- no answer filed or no discovery conference.

(b) Cases starting, not surviving discovery -- no discovery filed, or pretrial conference or trial setting.

(c) Cases starting, not surviving pretrial -- pretrial conference or trial setting, but not held.

(d) Cases beginning trial.

baseline group of cases. Table 3 shows the survival characteristics of the cases in these two courts (Connolly and Planet, unpublished).

A final illustration by means of caseload statistics of the effectiveness of the ELP rules is that 97 percent of the ELP cases were disposed of within one year compared to 60 percent of the regular docket/baseline cases; almost 77 percent of the ELP cases were closed in six months. As the ABA staff notes, national standards have recently been promulgated in **The Judges Journal**, Winter, 1984, which have set a goal of disposition at 90 percent of all civil cases in one year and 100 percent in 24 months with the distinction being made for trials as follows--12 months for non-jury cases and 18 months for a jury trial, on the average. It appears that the ELP rules could certainly assist most courts in reaching this goal.

Costs

The statistics gathered by the ABA effectively show that the ELP rules do speed case processing when the court staff utilizes them. Of equal concern, however, has been whether such time savings for the court will translate into time and cost savings for the attorneys and litigants. To address this concern, the ABA interviewed by phone attorneys in Campbell and Jefferson who had handled cases under the ELP rules.

The ABA reports that about 80 percent of the attorneys interviewed in these two courts indicated that they spent the same amount of time or less in the ELP cases. The greatest time savings in these cases occurred during the discovery stage apparently because of the reductions in the number of interrogatories and depositions. In addition, the compressed time schedules dictated by the rules saved them time in pleadings, trial preparation and settlement negotiations.

The ABA staff suggest that the judicial control and procedural simplification elements of this program offer attorneys time savings in several ways. First, non-productive time spent on trips to the courthouse and on waiting for upcoming events is reduced. Second, duplicative discovery and motion filings are reduced by tailoring discovery at the early conference and limiting non-party depositions. Finally, the firm calendaring practices and resistance to routine continuances reduce repetitive preparation for the attorneys.

ABA questioning revealed that such time savings did translate into cost savings for some ELP clients. Approximately 25 percent of the attorneys interviewed indicated that they had reduced their fees; the reduction averaged a substantial $660 or 24 percent.

As in other locales where cost savings have been studied, the type of billing system represents a primary factor in whether costs are passed on. (Chapper and Hanson, 1983). Thus, while attorneys using an hourly fee plan uniformly reported passing their savings to their clients, contingency fee clients obtained no reduction from their attorneys. ABA staff observe that while cost savings have initially been small, the potential aggregate reductions in attorney time and subsequent cost savings could be significant. They note contingent fees can be structured so the fee corresponds more to the time invested. In fact, they suggest that clients such as insurance carriers and corporations who utilize contingent fees may play a key role in ensuring that attorneys avail themselves of the time savings offered through programs such as ELP. Even though the savings may be small on a single case basis, these clients generally have such volume that again the aggregate savings are substantial.

Quality

If the ELP rules constrict the time period for case handling and produce cost savings but adversely affect the quality of justice, then this project could not be considered a success. Fortunately, this has not been the case. The ABA used as a standard for assessing the qualitative impact of the project whether the ELP rules hindered the attorney's ability to prepare for trial or settlement. Over 80 percent of the attorneys reported that the ELP rules did not impede their trial preparation or ability to conduct settlement negotiations.

Case records support this attorney information. While ELP cases do close at an earlier stage as compared to the regular docket cases, the outcome of ELP and regular/ baseline cases were essentially the same as shown in Table 4.

The ELP judges likewise reported that attorney preparation

TABLE 4

Disposition Profile for ELP and Baseline Cases

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Settled/Dismissed	52%	54%	50%	46%
Motion	28%	27%	15%	23%
Default	10%	7%	16%	24%
Summary/Judgment	1%	3%	5%	3%
Trial	9%	9%	7%	4%

did not appear inhibited. It was noted by them that while the time schedule is "tight," there is great flexibility in scheduling. The early discovery conference allowed a tailoring to the needs of the parties and both the discovery and pretrial seemed to help the attorney narrow the issues to be handled and improve their trial preparation.

In sum, there was no indication that the quality of the judicial process is hindered by the rules and certain factors that suggest the speedy attention to the cases are enhancements.

ELP Task Force

In the Fall of 1983 an Economical Litigation Task Force was assembled to evaluate whether the ELP can and should be used in the Kentucky courts in general. After careful consideration of the operation of ELP in the test sites, the Task Force observations and recommendations are as follows:

1. The time frames established under the present ELP rules be maintained with the possible exception of expanding the trial setting period to six months in the highest caseload courts.

2. All civil cases including domestic relations cases come under the purview of the rules.

3. Limitations on discovery and continuances be retained in the interest of economy to the court and litigants.

4. Concerning the staffing of present and future delay-reduction projects:

   (a) All parties who will be involved should participate in the designing and implementing of the procedures for project operation.

   (b) There is no "one right way" to handle the tracking and support functions.

   (c) These rules represent a change in the court's role in case management by placing a case under judicial control rather than control of the attorney.

   (d) A manual tickler card system is the most efficient method of tracking case activity. The "case monitor(s)" must be familiar with various events that comprise a case but extensive legal expertise is not required.

5. Automation of case monitoring is not recommended on a statewide basis.

6. One phase of ELP involved the use of standardized, multi-ply forms. These forms were designed to be completed quickly, often in court, and to reduce typing, copying and mailing expenses. The concept was quite sound and should be incorporated in any further sites. If the rules continue to be employed, a change to a multi-ply docket sheet/statistical reporting card/ELP tickler calendar card form is urged in order to further reduce typing responsibilities.

Summary

The American Bar Association Action Commission to Reduce Court Costs and Delay is unhesitating in commending the Kentucky delay reduction rules and procedures to any other jurisdictions. Statistical information on the 1985 closed caseload in Kentucky indicates that approximately 77 percent of all circuit civil cases are disposed in one year. The expansion of the ELP approach would, no doubt, assist more circuit courts in reaching the national standards of disposing 90 percent of civil cases in one year. As yet, however, no decision has been made concerning the expansion of ELP or the adoption of time standards statewide.

THE SUPREME COURT

In FY 1984-85, the incoming workload of the Supreme Court increased dramatically. The filing level of 1309 represented a 21 percent (226 cases) increase from filings registered in FY 1983-84. Case dispositions rose at an equally high rate and exceeded filings. Both figures represent the highest number of filings and dispositions reported since the formation of this court, as shown in Figure 1. However, despite the higher filings, the disposition activity of the court resulted in a nine percent reduction of the pending caseload.

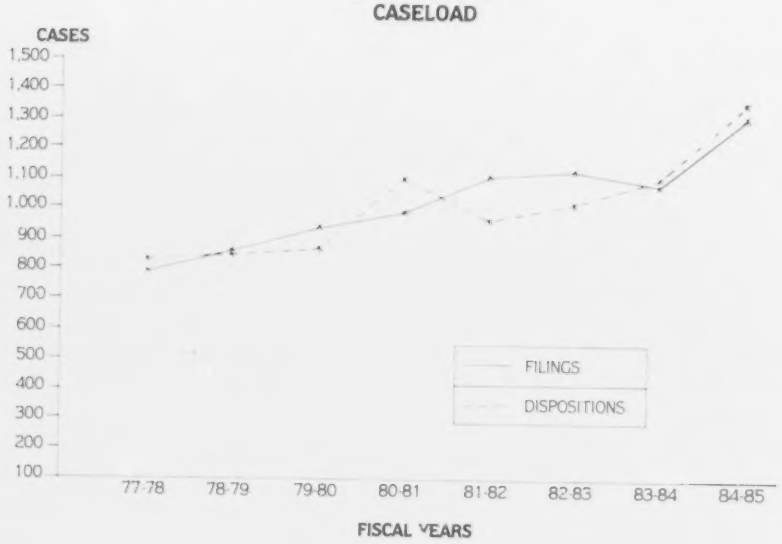
In Figure 2, the Supreme Court's caseload for FY 1984-85 is categorized into five general case types and compared with figures reported in the previous fiscal year. The following case categories are distinguished: motions for injunctive relief, direct appeals and original actions, motions for transfer, motions for discretionary review, and petitions for rehearing.

As in past years, motions for discretionary review comprised the majority (70 percent) of the matters filed with and subsequently disposed by the Supreme Court. As such, the sizeable increases in the filings and dispositions this fiscal year, i.e., 35 and 41 percent, respectively, are directly reflected in the court's total volume.

Direct appeals and original actions represent the next largest category of cases handled by the Supreme Court with 22 percent or 287 of the total case filings in FY 1984-85 classified as such. In FY 1984-85, 280 direct appeals and original actions were disposed. For the past five years, the volume of this category has remained quite stable.

Figure 1

SUPREME COURT CASELOAD

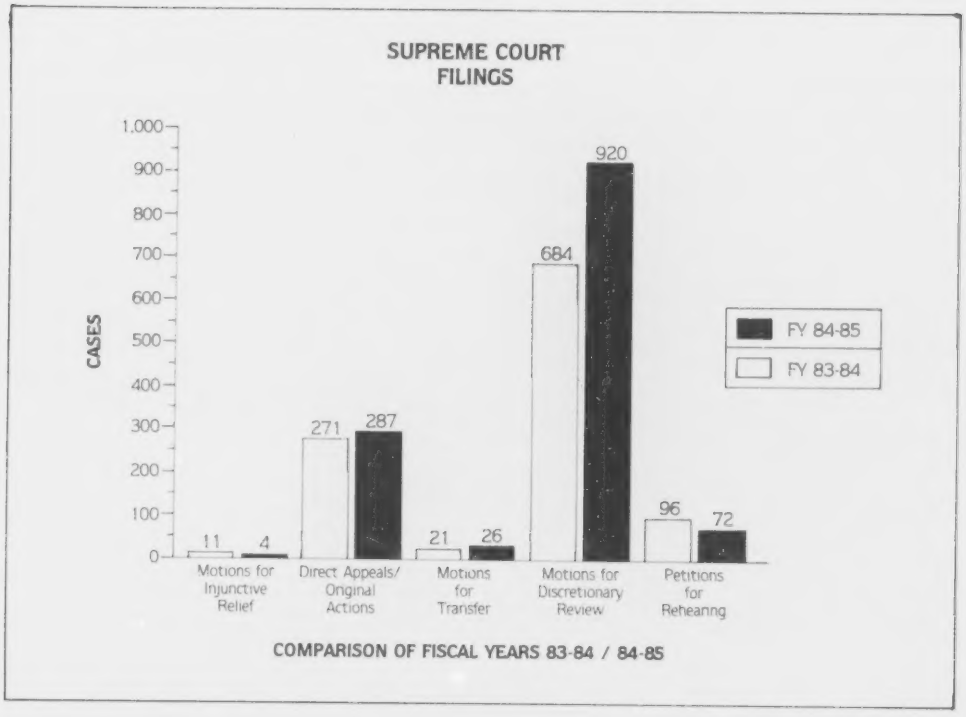


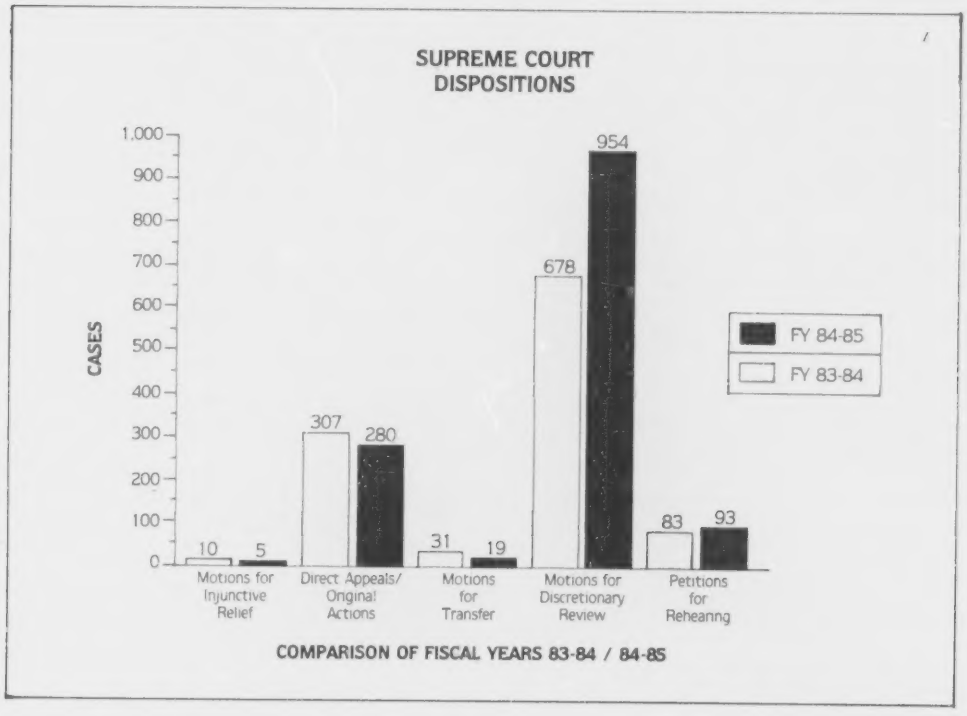
The remaining three categories represent less than 10 percent of the Supreme Court's filings but are of interest to some when viewing this Court's caseload activity. Motions for injunctive relief (Rule 65.09), for example, are quite infrequent. In FY 1984-85, four such motions were filed and five were disposed, eliminating all such cases that were pending. While petitions for rehearing increased significantly in FY 1983-84, i.e., from 69 to 96, in FY 1984-85 these petitions resumed the level of the four previous years with 72 filings. Dispositions remained at the FY 1983-84 level and the backlog of this type of case was reduced.

The number of motions for transfer in FY 1984-85 was comparable to that of the previous years, with 26 filed. Motions for transfer increased to an all-time high of 40 in FY 1981-82--apparently following the adoption of Rule 7.18 which permits the transfer of cases with statewide impact directly to the Supreme Court, thus bypassing the Court of Appeals. They have since stablized at the present rate.

In addition to these specific categories, other types of motions, such as motions to proceed in forma pauperis, motions to substitute parties or attorneys, or extend time, represent a significant workload factor. For example, 1025 of these

Figure 2


SUPREME COURT
FILINGS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
11
4
271
287
21
26
684
920
96
72
FY 84-85
FY 83-84
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
COMPARISON OF FISCAL YEARS 83-84 / 84-85


SUPREME COURT
DISPOSITIONS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
10
5
307
280
31
19
678
954
83
93
FY 84-85
FY 83-84
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
COMPARISON OF FISCAL YEARS 83-84 / 84-85

general motions were filed in FY 1984-85.

A total of 300 opinions, and orders, were issued during FY 1984-85 by the Supreme Court to dispose of these matters. Also during this period, 958 court orders were entered as opposed to 868 in FY 1983-84.

Not quantified but certainly not to go unrecognized should be the amount of time devoted by the members of the Supreme Court and, particularly the Chief Justice, to assessing the problems and needs of the Court of Justice and determining the best procedures and methods for improving the court's operation.

COURT OF APPEALS

In FY 1984-85, the Court of Appeals registered the highest level of filings and dispositions ever reported, i.e., 3593 and 3305, respectively. This represents approximately a 20 percent or 600 case increase from the previous year. Over its eight years of operation as an intermediate appellate court, filings have increased 84 percent or by 1637 cases. While dispositions have, likewise, increased, filings have not been equalled or exceeded for four years which has resulted in a rising backlog. The line graph in Figure 3 illustrates the caseload trends of the court.

As the bar graphs in Figure 4 reveal, the largest proportion of matters filed and handled by the Court of Appeals are labeled direct appeals. As such, civil appeals composed 65 percent of all matters filed; criminal appeals constituted 17 percent of all matters filed during this time. The trends in these categories, particularly the civil category, directly affect the overall filings and dispositions for this court. Civil filings rose by 21 percent or 401 cases to 2349. Criminal appeals increased by 6 percent or 35 cases to 604. During this time, dispositions did not keep pace with the filings so the backlog grew in both categories by 14 percent. This, in large part, accounted for the overall increase in backlog for the Court of Appeals.

The volume of discretionary review cases has ranged between 70 and 100 for the past several years. In FY 1984-85, there were 100 filings and 76 handled. Original actions continue to average 5 percent of the court's caseload with 161 filings and 147 dispositions. Apparently reflecting the non-election year, motions for injunctive relief dropped from 22 to 15 filings.

Unlike previous years, civil and criminal petitions for rehearing were both up 58 percent, increasing to 320 and 57, respectively. For both categories, the backlog in these matters was reduced as dispositions exceeded filings.

Figure 3

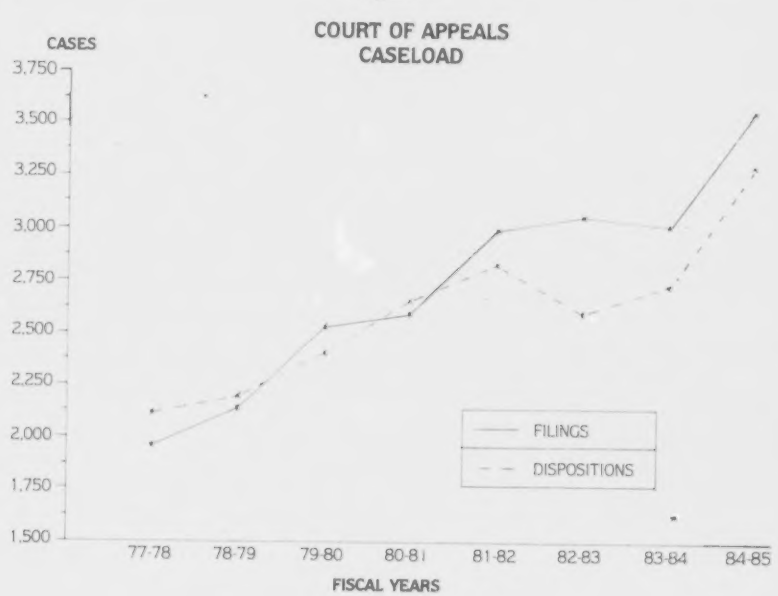
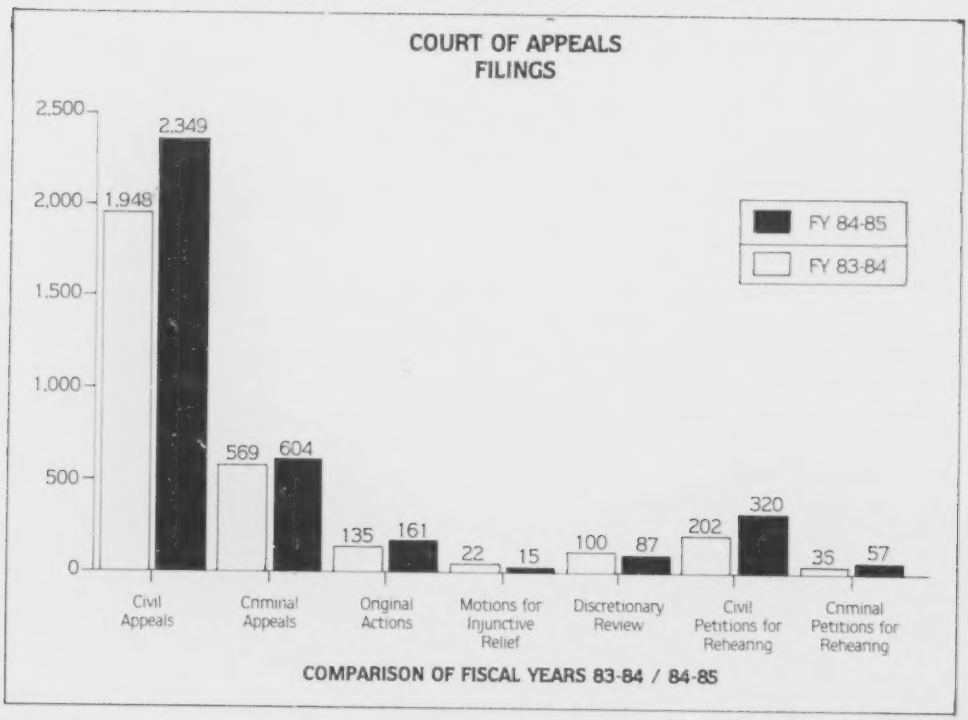
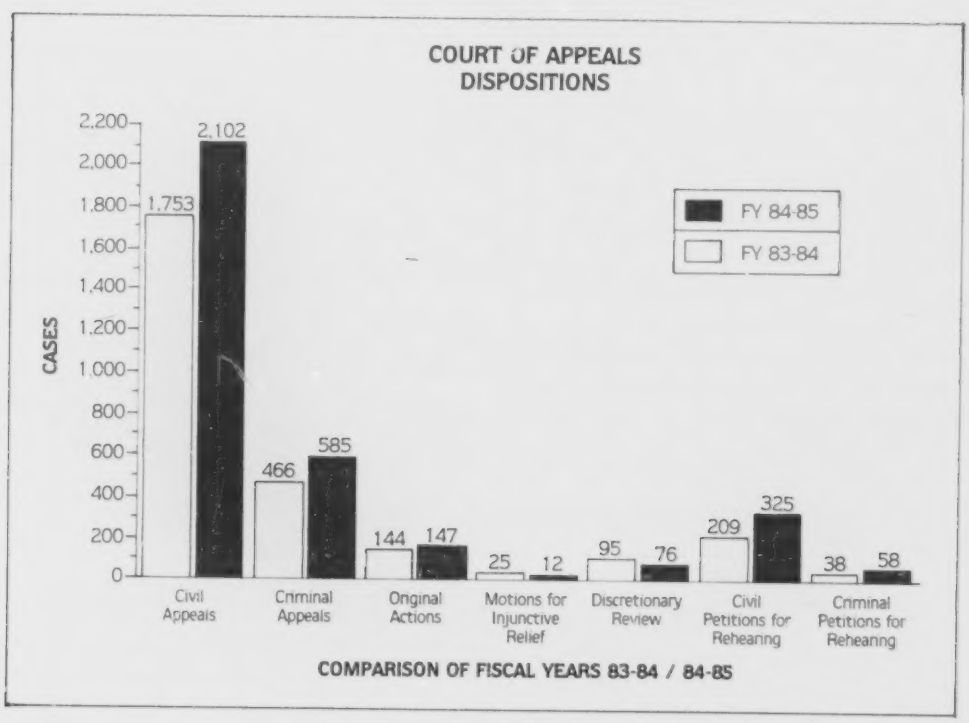


Figure 4


COURT OF APPEALS
FILINGS
2,500
2,000
1,500
1,000
500
0
1,948
2,349
569
604
135
161
22
15
100
87
202
320
35
57
FY 84-85
FY 83-84
Civil Appeals
Criminal Appeals
Original Actions
Motions for Injunctive Relief
Discretionary Review
Civil Petitions for Rehearing
Criminal Petitions for Rehearing
COMPARISON OF FISCAL YEARS 83-84 / 84-85


COURT OF APPEALS
DISPOSITIONS
CASES
2,200
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
0
1,753
2,102
466
585
144
147
25
12
95
76
209
325
38
58
FY 84-85
FY 83-84
Civil Appeals
Criminal Appeals
Original Actions
Motions for Injunctive Relief
Discretionary Review
Civil Petitions for Rehearing
Criminal Petitions for Rehearing
COMPARISON OF FISCAL YEARS 83-84 / 84-85

The Circuit Courts

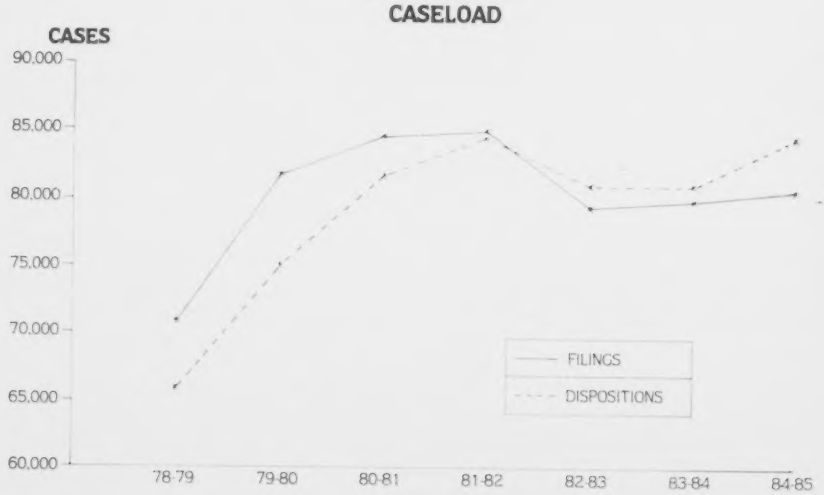
Figures 5 and 6 provide a general overview of the volume of incoming work as well as the disposition of cases in Kentucky's circuit courts. As Figure 5 illustrates, the number of case filings rose steadily between FY 1978-79 and 1981-82, then dropped 6.5 percent in FY 1982-83 primarily because of the shift of hospitalization/disability cases to district court, and, in the past two years, increased gradually. During FY 1984-85, 81,236 filings were reported which represented a 1.6 percent increase from the previous fiscal year. While dispositions have always closely approximated filings, the trend in recent years has been for dispositions to exceed the number of new actions initiated. In FY 1984-85, 83,814 dispositions, i.e., up 3.4 percent from the previous year, were reported. As a result, the clearance ratio, i.e., the number of **new** actions divided by the number of cases disposed, was greater than 100 percent, i.e., 103 percent. This high ratio represents a lowering of backlog as judges purge "old" and inactive cases from their dockets.

Figure 6 uses bar charts to compare FY 1984-85 case filings and case dispositions to FY 1983-84 filings and dispositions by case type as well as to indicate the composition of the circuit court workload.

It is evident from the bar graphs that domestic relations cases constitute a major portion of the circuit caseload. Similar to past years, these cases comprised 45 percent of the state's total filings. This category

Figure 5

CIRCUIT COURT CASELOAD



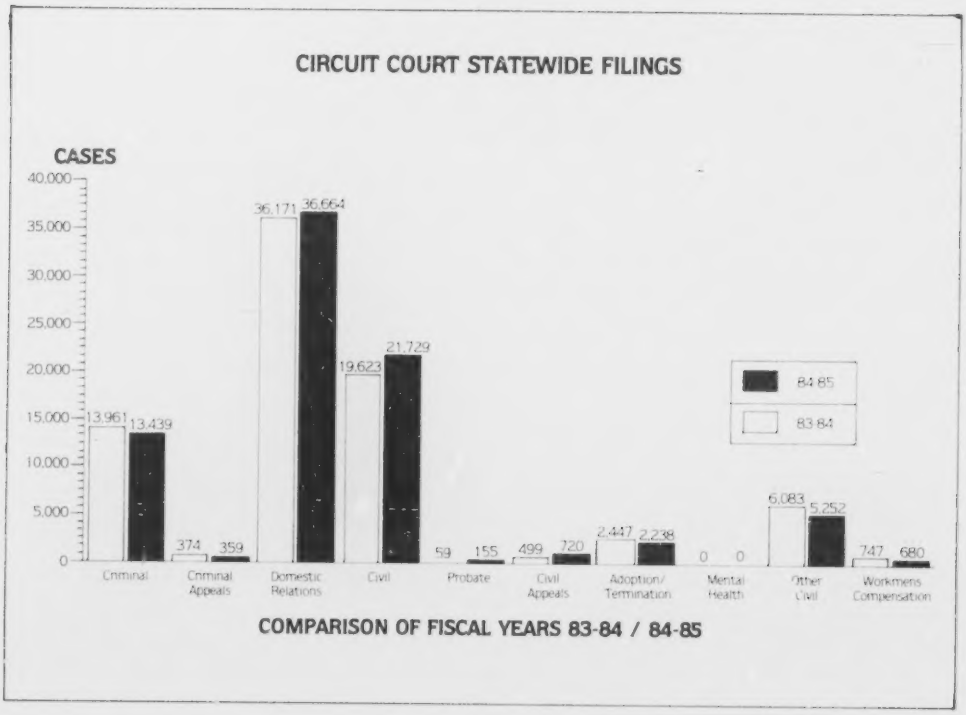
consists primarily of original divorce hearings on matters pertaining to custody, support, and visitation. Information on the statistical reporting forms submitted by the circuit clerks indicates that 17 percent of the domestic relations caseload involves reopened cases. In FY 1984-85, domestic relations filings increased slightly, up 1 percent to 36,664, as did the disposition of these matters, up 2 percent to 38,559. As can be seen, FY 1984-85 domestic relations dispositions exceeded new actions in this category.

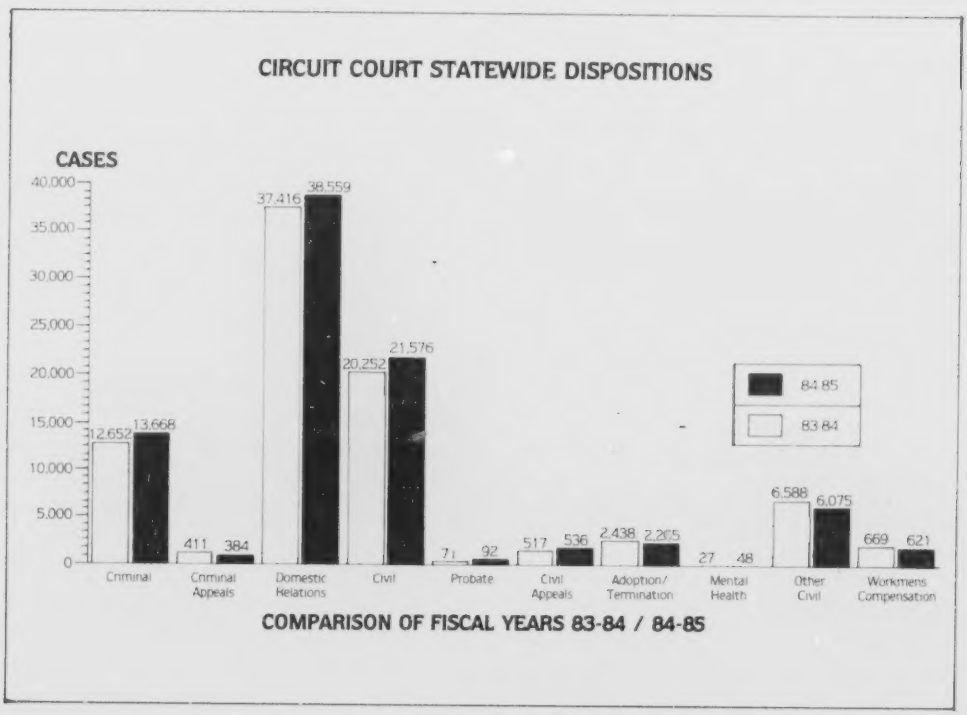
The category with the second highest number of filings involved civil suits. There were 21,729 circuit civil filings during FY 1984-85 which constituted 27 percent of the total circuit caseload. Civil suits increased by 11 percent during this year, dispositions nearly kept pace with filings increasing by 7 percent to 21,576.

Criminal case filings comprised 17 percent or 13,439 of the total filings in FY 1984-85 which represents a slight decline from the previous year. This drop in felony indictments is comparable to the percentage decrease in number of Part I offenses reported by the Kentucky State Police. Whether the decline – a trend evidenced for the past two years – will continue is of interest to the criminal justice community as a whole.

Cases categorized as "other civil" suits constituted the fourth largest category of cases in circuit court. These cases include appeals from zoning and other administrative boards, tax appeal cases, uniform reciprocal support cases, Department of Revenue and Commonwealth-initiated suits, cases involving injunctive

Figure 6


CIRCUIT COURT STATEWIDE FILINGS
CASES
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
13,961
13,439
374
359
36,171
36,664
19,623
21,729
59
155
499
720
2,447
2,238
0
0
6,083
5,252
747
680
84-85
83-84
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
COMPARISON OF FISCAL YEARS 83-84 / 84-85


CIRCUIT COURT STATEWIDE DISPOSITIONS
CASES
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
12,652
13,668
411
384
37,416
38,559
20,252
21,576
71
92
517
536
2,438
2,265
27
48
6,588
6,075
669
621
84-85
83-84
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
COMPARISON OF FISCAL YEARS 83-84 / 84-85

relief, etc. For the past five years, these suits have registered a steady decline, i.e., down 14 percent this year. In FY 1984-85, 5,252 "other civil" suits were reported filed which comprised 6 percent of the total circuit caseload.

The remaining five categories represent a small proportion, each being 3 percent or less, of the total caseload of circuit court. As a result, the fluctuations in most of these categories have little effect on the overall caseload trends in circuit court. For example, criminal appeals from district court continued a four-year trend and declined once again. Filings of criminal appeals decreased from 374 to 359 and dispositions from 411 to 384. Likewise, the filings and dispositions of workers' compensation cases have continued to drop, i.e., 9 percent and 7 percent in the past year or from 747 to 680 and 669 to 622, respectively. Finally, case filings involving adoptions or termination of parental rights also declined during this year, i.e., by 9 percent to 2,238. Dispositions dropped from the previous year but exceeded filings, i.e., 2,265 to 2,238.

The other two low-volume case categories that can be reviewed are civil appeals from district court and probate cases which represent contested wills. In both areas, filings increased dramatically but because the overall volume, 1 percent and less of the state's total, is so low these fluctuations are not reflected proportionally in the total. Thus, the 44 percent increase in civil appeals contributed 221 more cases but did not greatly effect the statewide total. Specifically, civil appeals rose from 499 to 720; dispositions did not keep pace and increased only slightly from 517 to 536. Probate cases rose 162 percent but the volume remains low, i.e., 59 to 155. Probate dispositions remained stable, increasing slightly from 71 to 82.

As noted earlier, mental health commitment and disability cases are now handled in district court. The disposition figures reported graphically represent cases that were originally filed in circuit court but are being tranferred to district court.

In summary, case filing and handling activity in the circuit courts has remained stable during the past fiscal year. Specifically, filings increased 2 percent and dispositions rose 3 percent, registering 81,236 and 83,814, respectively. It is obvious from this disposition figure, however, that the courts are working to remove their older, pending cases from the docket. Whether this stabilization will remain has yet to be established. In any case, this trend does permit the courts the opportunity to direct their attention toward maintaining the most current docket possible.

The Circuit Court Caseload Weighting Project

A continuing concern in the administration of the court system is that an objective and fair method of determining personnel needs is available for circuit and district court. Among the various methods of assessing personnel requirements, a court's caseload is frequently used as an indicator of court workload. The problem associated with this method is that the differential demands of case types are obscured by this summary figure. In an effort to accurately reflect the differences in time that are required, various case "weighting" procedures have been developed. A "weighted" caseload figure is assumed to better represent the work demands on court personnel than a single caseload total.

In 1976, a study of Kentucky court manpower requirements, based on a weighted-caseload study of ten judicial circuits, was completed by the AOC and Arthur Young & Company. The study utilized case-processing time values which represented an accounting of time required to handle various types of cases in the system and a judge-year/clerk-year value which represented the average amount of time available per year for processing cases. These time requirements were then applied to projected 1978 caseload figures to determine personnel requirements. The advantage of this method is its ability to make reasonable estimates of the judicial and support staff needed. Disadvantages are present, though, because this method is both a time-consuming and costly means of assessing personnel needs.

Thus, while the Young method of case weighting was very useful, it was considered too costly in terms of personnel and money to replicate in 1979 in order to apply to circuit court caseload data. After reviewing various approaches available, the method of case weighting used by the Pennsylvania court that combines elements of the Young procedure with **Delphi** techniques developed by the Rand Corporation to extract opinion consensus from panels of experts appeared appropriate for Kentucky. With the Delphi approach, estimates of time (or whatever the issue involves) are generated by a panel of experts. Assessment of the estimate of time continues until a group consensus emerges as to the average time in question. In Pennsylvania and in Kentucky, judges were designated the "experts" and were assigned the task of determining the average amount of judge time required to carry different types of cases to completion. The figures generated from the surveys conducted of the judges serve as the case weight which, in turn, is applied to court caseload to produce a "weighted" caseload.

Method

In Kentucky, the case weighting project has been limited to the circuit court level. First, this was to permit a test of the method under more manageable conditions since the circuit court has fewer judges and a much smaller total caseload than district court. Second, the circuit court data is computerized which permitted the automatic application of the weight to the raw caseload. In contrast, the district court caseload data is manually compiled and summary totals only are entered into the computer. Because of the volume of the district court caseload, it is not presently possible to compile detailed disposition data for this court.

In the spring of 1979, the 87 circuit judges serving in Kentucky were asked to complete two questionnaires on the relative difficulty of their caseload. Rather than ask for a specific time estimate by case type from the judges, they were asked to indicate for a series of 136 pairs of case activities which case type required, as a rule, the most work for them. The case activities were types of cases upon which the Administrative Office of the Courts' case-reporting system obtains disposition information. Each of 17 case types was paired with all others and, following a statistical analysis dictated by this paired-comparison method, the result was the assignment of a scale value or "weight" to each circuit court case type. Sixty-six judges participated in this survey.

The circuit caseload weights, after being converted to a ten-point scale, are shown on Table 5. Using the Rand procedure as a model, the weights of the case types were submitted for review to the circuit judges who participated in the first round of questioning. No changes in the weights or ranking of the case types occurred from this step.

Results

The results of the rating process accomplished by the circuit judges indicate that a civil jury trial is considered the most demanding case category with a civil court trial and criminal jury trial only slightly less difficult. A dismissed case was rated as the

TABLE 5

CIRCUIT COURT CASELOAD WEIGHTS

Case Category:	Weights
1. Civil-Criminal Dismissed and Civil Default	.31
2. Civil-Settled	1.50
3. Uncontested Divorce	1.82
4. Mental Competency	2.32
5. Mental Commitment	2.34
6. Adoption/Termination	2.38
7. Criminal-Guilty Plea	3.30
8. Civil-Lower Court of Appeal	3.59
9. Criminal-Lower Court of Appeal	3.72
10. Probate Challenge	4.32
11. Other Domestic	5.53
12. Workers Compensation	5.79
13. Criminal-Court	7.34
14. Contested Divorce	7.97
15. Criminal-Jury	9.74
16. Civil-Court	9.78
17. Civil-Jury Trial	10.0

least demanding case type on the average. Again, the final ranking of the 17 circuit court case types is shown in Table 5. These weights have been applied to circuit court case disposition information reported to the Administrative Office of the Courts since FY 1981-82.

While specific time data on these circuit court case types have not been collected to verify these weights, the resulting ranking from this quantitative approach to define high workload areas corresponds closely to the results produced by the very different method used in 1980 and 1981 to study workload. During this time period, a variety of data on each circuit and district was collected; among the information compiled was caseload, travel, court staffing, facilities and other relevant objective data on each court across the state. In addition, the local judges were asked to indicate their problems and rate their overall workload conditions. Using this multi-factor approach, the same circuits were defined as areas with undesirable caseload pressure. The results of this earlier study appear to lend strong credence to the findings of the caseload weightings and subsequent rankings derived from the very quantitative approach that the case-weighting system represents.

Finally, this procedure results in rankings that closely correspond to those produced by the "weighted" caseload data. The weighting procedure – it is hoped – more fully portrays the activity in each court.

Circuit Court Caseload Ranking

Because statistical reporting continues to vary in its accuracy, it appears the more reliable approach to comparing circuit court workload is to review each court's standing on a variety of caseload measures over time rather than use only one caseload measure to assess differences. Therefore, the following six caseload figures have been compiled for each circuit for the past two fiscal years of 1984 and 1985; i.e., total and original filings per judge, total and original dispositions per judge, and total and original weighted caseload per judge. Each circuit's rating on these measures has been established. After reviewing each circuit's ratings on each caseload measure and considering factors such as the accuracy of statistical reporting from the counties in the circuit, the composition of the circuit, and the total caseload, the 56 circuits have been grouped into one of three classifications, i.e., high, midrange, or moderate. High caseload circuits are those which ranked in the top 25 percent or top 14 circuits; mid-range circuits are those 28 circuits in the middle 50 percent; and moderate circuits ranked in the lower 25 percent or low 14 circuits.

High Caseload Circuits

Circuit:	Counties:
6*:	Daviess
8*:	Warren
11:	Green, Marion, Taylor, Washington
12:	Henry, Oldham, Trimble
13*:	Garrard, Jessamine, Lincoln
14*:	Bourbon, Scott, Woodford
21:	Bath, Menifee, Montgomery, Rowan
22:	Fayette
26:	Harlan
28*:	Pulaski, Rockcastle
30*:	Jefferson
31*:	Floyd
34:	McCreary, Whitley
35*:	Pike
41:	Clay, Jackson, Leslie
42*:	Calloway, Marshall
48:	Franklin
51:	Henderson
54*:	Boone, Gallatin

Mid-Range Caseload Circuits

Circuit:	Counties:
4*:	Hopkins
5:	Crittenden, Union, Webster
7:	Logan, Todd
9:	Hardin
10:	Hart, Larue, Nelson
15:	Carroll, Grant, Owen
17:	Campbell
20:	Greenup, Lewis
25:	Clark, Madison
27:	Knox, Laurel
29:	Adair, Casey, Cumberland, Monroe
32*:	Boyd
36:	Knott, Magoffin
37:	Carter, Elliott, Morgan
38:	Butler, Edmonson, Hancock, Ohio
39:	Breathitt, Powell, Wolfe
40:	Clinton, Russell, Wayne
43:	Barren, Metcalfe
44:	Bell
45:	McLean, Muhlenberg
46:	Breckinridge, Grayson, Meade
50:	Boyle, Mercer
53:	Anderson, Shelby, Spencer
55:	Bullitt
56:	Caldwell, Livingston, Lyon, Trigg

Moderate Caseload Circuits

Circuit:	Counties:
1:	Ballard, Carlisle, Fulton, Hickman
2:	McCracken
3:	Christian
16:	Kenton
18:	Harrison, Nicholas, Pendleton, Robertson
19:	Bracken, Fleming, Mason
23:	Estill, Lee, Owsley
24:	Johnson, Lawrence, Martin
33:	Perry
47:	Letcher
49:	Allen, Simpson
52:	Graves

* Domestic relations commissioner is used in this circuit, to some extent, as of July 1, 1985.

The District Courts

The volume of filings in the district court has remained at the same level, i.e., approximately 640,000 for the past two years. Dispositions, likewise, have stabilized. As the line graph of Figure 7 illustrates, the district court caseload as a whole is being handled efficiently. The clearance ratio, i.e., the proportion of dispositions to new case filings, was 96 percent in FY 1984-85 as it was in the previous year.

In FY 1984-85, nine different categories of cases were handled in district court. In Figure 8, the bar graphs illustrate the composition of the district court workload as well as present the filing and disposition levels of these various case categories in the past two years. Traffic cases with 258,102 filings constituted 40 percent of the district courts' total volume, misdemeanor cases comprised 30 percent, and felony filings represented five percent of the total. Altogether then, three-fourths of all matters brought to the district court involve public offenses.

While remaining the highest volume case category, the number of traffic cases did decrease in FY 1984-85; filings dropped by 6 percent and dispositions by 4 percent. Misdemeanor filings and dispositions, in contrast to the traffic situation and to the trend of past years, increased substantially, i.e., by 16,200 or 7 percent and by 6,600 or 4 percent, respectively. The trend for felony cases corresponded to the information published by the Kentucky State Police which indicated a 7 percent decrease in the reporting of more serious or Part I offenses. In FY 1984-85, felony filings dropped 6 percent and dispositions by 4 percent.

Concerning the civil caseload in district court, civil cases involving suits over $1,000 constitute 8 percent of the total caseload while small claims cases represent 4 percent of the district caseload. Civil filings have fluctuated from year to year but generally have averaged 55,000. In the past year, filings did decrease by 3,400 cases or 6 percent. Small claims filings stabilized this year, at approximately 28,700, after dropping 17 percent during the previous two years. Small claims cases average approximately 35 percent of the total civil caseload.

In FY 1984-85, the probate and juvenile case categories represented 4 percent and 7 percent of the district caseload. Both categories experienced an increase in the past fiscal year. Probate filings rose 4 percent while juvenile cases reported a substantial increase of 13 percent or almost 5,000 more cases.

Hospitalization and disability cases, transferred to district court jurisdiction in July 1982, continue to steadily increase, i.e., up 60 percent in two years. However, as Figure 8 clearly illustrates, the total volume remains low, i.e., of the state's total volume.

The newest types of cases handled in district court are domestic violence matters. These actions are designed to give immediate relief in dangerous domestic situations. During the first year of operation under this new act, 2,535 domestic

Figure 7

DISTRICT COURT CASELOAD

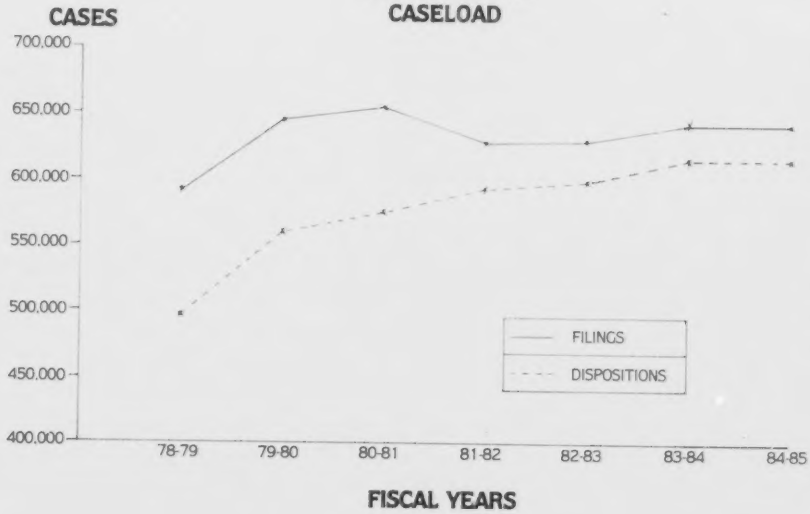
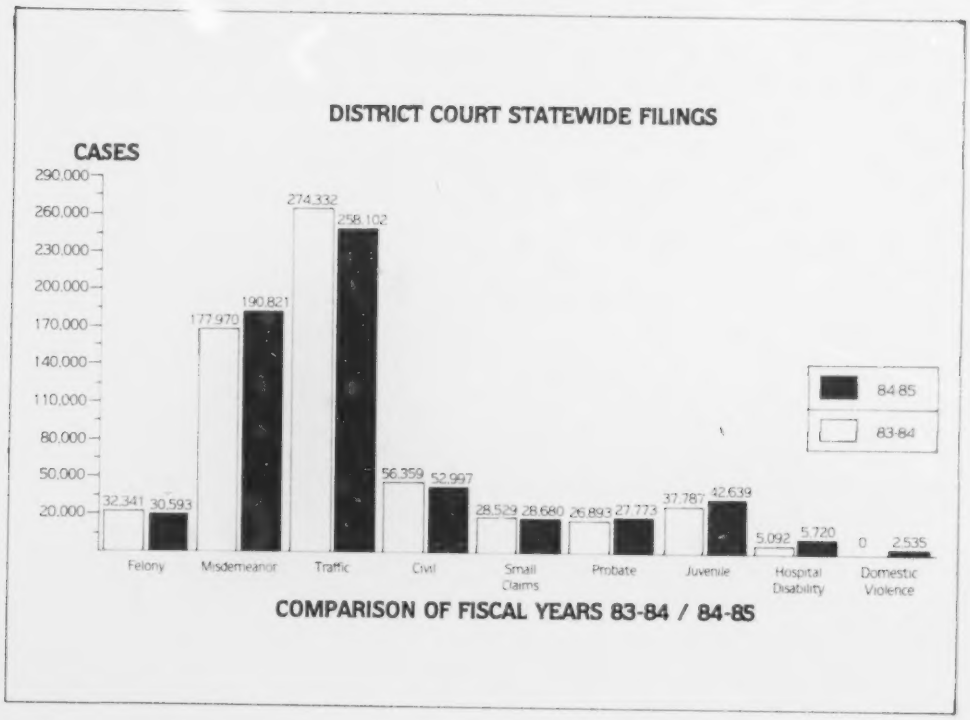
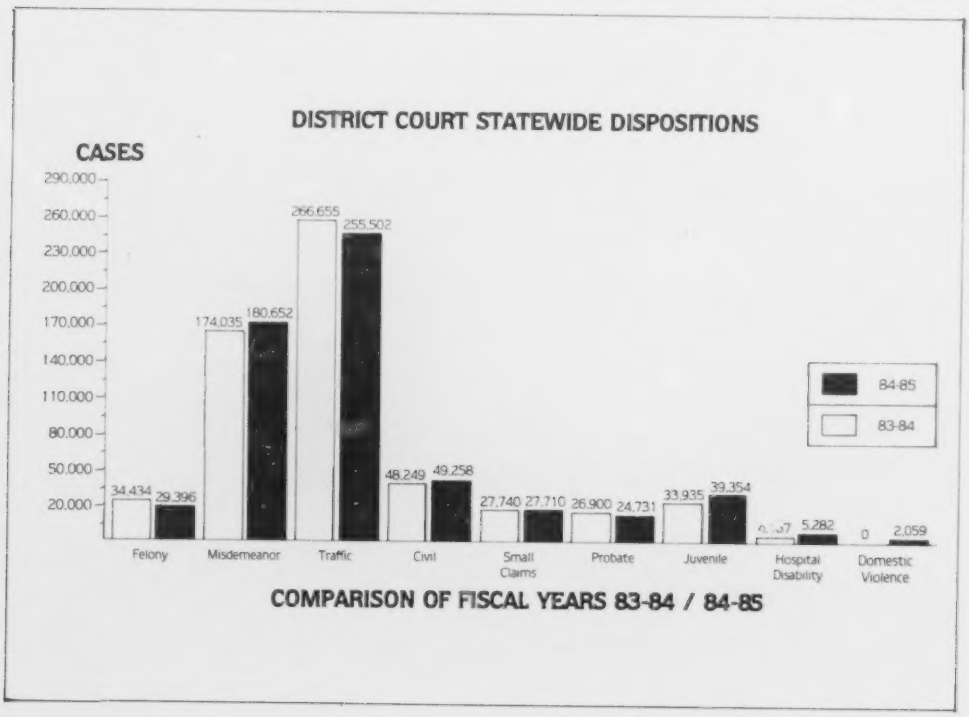


Figure 8


DISTRICT COURT STATEWIDE FILINGS
CASES
290,000
260,000
230,000
200,000
170,000
140,000
110,000
80,000
50,000
20,000
32,341
30,593
177,970
190,821
274,332
258,102
56,359
52,997
28,529
28,680
26,893
27,773
37,787
42,639
5,092
5,720
0
2,535
84-85
83-84
Felony
Misdemeanor
Traffic
Civil
Small Claims
Probate
Juvenile
Hospital Disability
Domestic Violence
COMPARISON OF FISCAL YEARS 83-84 / 84-85


DISTRICT COURT STATEWIDE DISPOSITIONS
CASES
290,000
260,000
230,000
200,000
170,000
140,000
110,000
80,000
50,000
20,000
34,434
29,396
174,035
180,652
266,655
255,502
48,249
49,258
27,740
27,710
26,900
24,731
33,935
39,354
5,282
0
2,059
84-85
83-84
Felony
Misdemeanor
Traffic
Civil
Small Claims
Probate
Juvenile
Hospital Disability
Domestic Violence
COMPARISON OF FISCAL YEARS 83-84 / 84-85

violence cases were filed and 2,059 were disposed. As yet these cases only represent one half of one percent of the district court's total workload.

In summary, the district court caseload volume remains stable in FY 1984-85. The substantial increases in the misdemeanor, juvenile and hospitalization/disability area were offset by the moderate decline in the high-volume traffic category as well as drops in felony and civil cases, the latter often fluctuating from year to year. The utilization of TAP (Traffic Alcohol Programs) in Jefferson, Fayette and Northern Kentucky, however, will certainly mitigate the continued decrease in traffic caseload and thus, the state's overall district workload is expected to increase.

District Court Caseload Ranking

An overall rating of each district's workload has been developed based on three different caseload measures, i.e., total filings per judge, total dispositions per judge, and total filings minus traffic filings per judge for fiscal years 1984-85. Each district was classified into one of three groupings, i.e., high, mid-range, or moderate, from its ranking on the measures listed above. Those with the high caseload rankings consistently rated in the top 25 percent of rankings in these two years. Mid-range districts placed between a rank of 15 and 42 on the caseload rankings and moderate caseload districts consistently reported caseloads that placed the lower 25 percent of all these rankings. The results of this classification process are shown with the courts listed in district order.

High Caseload Districts

District:	Counties:
2:	McCracken
8:	Warren
22:	Fayette
25:	Clark, Madison
26:	Harlan
27:	Laurel, Knox
30:	Jefferson
31:	Floyd
33:	Perry
35:	Pike
36:	Knott, Magoffin
39:	Breathitt, Powell, Wolfe
42:	Calloway, Marshall
44:	Bell
51:	Henderson
55:	Bullitt

Mid-Range Caseload Districts

District:	Counties:
3:	Christian
4:	Hopkins
5:	Crittenden, Union, Webster
6:	Daviess
7:	Logan, Todd
9:	Hardin
10:	Hart, Larue, Nelson
11:	Green, Marion, Taylor, Washington
13:	Garrard, Lincoln, Jessamine
14:	Bourbon, Scott, Woodford
16:	Kenton
17:	Campbell
19:	Bracken, Fleming, Mason
20:	Greenup, Lewis
21:	Bath, Menifee, Montgomery, Rowan
24:	Johnson, Lawrence, Martin
28:	Pulaski, Rockcastle
34:	McCreary, Whitley
37:	Carter, Elliott, Morgan
41:	Clay, Jackson, Leslie
43:	Barren, Metcalfe
45:	McLean, Muhlenberg
46:	Breckinridge, Grayson, Meade
47:	Letcher
48:	Franklin
54:	Boone, Gallatin

Moderate Caseload Districts

District:	Counties:
1:	Ballard, Carlisle, Fulton, Hickman
12:	Henry, Oldham, Trimble
15:	Carroll, Grant, Owen
18:	Harrison, Nicholas, Pendleton, Robertson
23:	Estill, Lee, Owsley
29:	Adair, Casey, Cumberland, Monroe
32:	Boyd
38:	Butler, Edmonson, Hancock, Ohio
40:	Clinton, Russell, Wayne
49:	Allen, Simpson
50:	Boyle, Mercer
52:	Graves
53:	Anderson, Shelby, Spencer
56:	Caldwell, Livingston, Lyon, Trigg